A brieſe &c

# SUMMARY

OF THE

LAVVES and STATUTES

OF

# ENGLAND,

So far forth as the ſame do concerne the Office of Juſtices of the Peace, Sheriffs, Bayliffs, Conſtables, Churchwardens, and other Officers and Miniſters of the *Commonwealth*.

*Together with*

Divers other Matters not onely acceptable for their rarity, but alſo very neceſſary for their great uſe and profit, for all perſons, but eſpecially for ſuch as bear Office in this *Common-wealth*.

*Collected by* Nicholas Collyn, *of the Honorable Society of* Lincolns-Inne, *Eſquire; and ſometimes Reader there; and an ancient Juſtice of the Peace & Quorum in the County of* Middleſex; *and one of the four Pleaders of the honorable City of* LONDON.

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THis abridgement of the Laws and Statutes following, was Penned by one that was an ancient Iustice of the Peace in the Country, which he did for his own convenience and ease: it being more plain and ful, and yet more briefe and compendious, then any abridgments that are in Print, and an easie Pocket-book to be carried about with fa-

cility as occasion may be offered, containing in few words, most plainly & fully the effects & meanings of al laws & Statutes, that concern the Iustices of the peace either in their Sessions, or out of the same, or that do concern the offices of Sherifs, Mayors Baylifs, Constables, Churchwardens, Overseers for the Poor, Surveyors of the Highways, and al other officers and ministers of the Peace and Common-

welth. This manuscript w^th som others, were left by the Author, or Collector, with som of his neer friends, who are redy & willing, according to his mind, to make the same more comon, that so it may be the more useful to al officers and Magistrates, that have occasion to inform themselvs what the substance of the Law and Statuts are, that so they may perform their several offices and duties in such manner as they ought to do.

The

The penner hereof did it the first for his own particular use, not once intending any other thing: but when some of his intimate friends who bore office in the Commonwealth, had once the knowledg of it and had perusedit, they would never be vvithout it, but made more use of it for a help to their memory, than of any Printed Booke whatsoever.

And as it was profitable to som few, so it may by the publishing of it, be to many more for the future.

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A briefe

# SUMMARY,

OF THE

# Laws and Statutes

OF ENGLAND.

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*Alehouses and Drunkenness.*

i IF any Inkeeper, or any Alehouse-keeper, shall suffer any person dwelling in the Towne, Village or Hamlet, where such Inne or Alehouse is, to remaine and continue drinking there, other then persons invited by Travellers, accompanying them only, during their necessary abode there, Labouring men, and Handicrafts-men for an hour at dinner time; and Labourers and workmen which for following their work, lodg and victuall in such houses, other-

*An alehouse keeper permitting any to continue drinking in his house.*

then for urgent occaſions allowed by 2. Juſtices of the Peace, he ſha l forfeit to the poor there for every ſuch offence proved by two witneſſes upon Oath, or ſeen by a Juſtice of the Peace of that limit, 10. ſ. 1 *Iac.* 9. & P. 6.

By the Stat. of 7. *Iac.* 10. he ſhall be diſabled to keep an Alehouſe for 3. years after.

2. Whoſoever ſhall continue drinking in Inne or Alehouſe in the town where he then dwelleth contrary to the Stat. 1 *Iac.* 9. before mentioned, the ſaid offence being proved, or ſeen, as aforeſaid, and preſented within Six monthes, ſhall forfeit and pay to the uſe of the poor there, within a weeke after for every ſuch offence 3.s. 4.d. And if the offender be not able to pay the ſaid forfeiture, then he ſhall be ſet in the ſtocks 4. hours, 4 Iac. 5. and Poult. drunkenneſs.

*Nota.* Note that if any Alehouſe-keeper ſhall ſo continue drinking int he town where he dwells, he ſhall be diſabled three years, *per le* Stat. 4 *Iac.* 5. and 7. *Iac.* 10.

3. If any Inkeeper or Alehouſekeeper, &c. ſhall utter or ſell leſs than a full Ale quart of the beſt Beer or Ale for a penny, and of ſmall two quarts for a penny, he ſhall forfeit for every ſuch offence being proved as aforeſaid, 20.s. to the uſe of the poore there, 1. Iac. 9.

and

& *Poult.* Alehouſes, 7. &c.

But by the Stat. 7 Iac. 10. he ſhall be diſabled 3. years.

Whoſoever ſhall be drunk, and thereof be lawfully convicted within Six monthes after, ſhall forfeit and pay to the uſe of the poore there within one week 5. s. and if he be not able to pay it, then he ſhall be ſet in the ſtocks ſix hours, and if after that he ſhall be again convicted of the like offence, then he ſhall be bound with two ſureties in 10. l. to be from thence forth of good behaviour, 4 *Iac.* 5. & *Poulton* drunkenneſs i, & 5. *A drunkard.*

Note that ſuch offenders being once puniſhed by the Eccleſiaſticall Laws, ſhall not eſt ſoons be puniſhed for the ſame offence, 4 *Iac.* 5. P. Drunkenneſs, 8.

5. Whoſoever ſhall keepe Alehouſe without licenſe, or contrary to the commandment of two Juſtices of the peace one of them being of the quorum, ſhall be impriſoned 3. dayes without bayle, and before his delivery to be bound by recognizance with two ſureties not to keep Alehouſe any more, as the Juſtices ſhall think fit. And ſhall be alſo fined by the Juſtices in their open Seſſions for every ſuch offence 20. ſ. 5 & 6 *Ed.* 6. 26.

The penalty for ſelling Ale or Beer the perſons unlicenſed, ſee Brewers, 4.

An Alehouſe-keeper once lawfully put down, cannot be allowed again but in open Seſſions, Juog *Warberton* at *Camb.* Aſſizes, 1613. and *Dalton* 25. & 26. *tamen quære.*

6. If a common Inkeeper, or Alehouſe-keeper, ſhall refuſe to lodg a traveller, he ought to be ſuppreſſed, *Dalton* 25.

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# Archery,

1. ALL perſons lacking or not uſing Bows and Arrows according to the Stat. 33 H. 8, 9. (except perſons excepted by the Stat.) ſhal forfeit the ſeveral penalties impoſed upon them to the King and Informer, ſo as the ſuit be commenced againſt them within a year after, See P: 1. &c.

2. All falſe makers of Arrow heads ſhal be puniſhed according to the Stat. 7 H. 4. 7.

3. If the Inhabitants of every Town and place ſhall not make and continue their Buts as they ought to do, they ſhal forfeit for every month 20. ſ. 33 H. 8, 9

# Armour.

1. IF any persons (except the Kings Servants or officers in doing their service, and their company aiding them in that behalf) shall ride or go armed by day or night, or shall bring force in affray of the Kings people before the Kings Justices or otherwise, they shall lose their Armour, and be imprisoned at the Kings pleasure, and may also be bound to the peace or good behaviour, 2 *Ed.* 3. 3. & P. 1. *Ride or go armed.*

2. To imbezell the Kings Armour, Ordnance, or Victuals to the value of 20. *s.* it is Felony, so as the offender be impeached within a year after, 31 *El.* 4 & P. 3. *Imbezell the Kings armour.*

3. All the Armour, Gunpowder, and Munition soever of Recusants convict, other than necessary weapons, shall be taken from them by warrant from four Justices of the peace at their quarter Sessions; and yet they shall bee charged with maintaining the same, and with buying more in such sort as other Subjects are according to their ability, 7 *Iac.* 5, and P. Recusants 75. *Recusants armour.*

# Artificers.

*Artificers conspiring for the order of their work.*

1. IF any Artificers, Workmen, or Labourers, shal conspire, promise, or make oathes that they will do their work but at a certaine price or rate, or will not finish what another hath begun, or shal otherwise conspire, for the order of their work.

Or if any butchers, bakers, brewers, Poulterers, Cooks, Costermongers, or Fruiterers, shall conspire, covenant, promise, or take any oathes that they shall not sell their victuals but at certain prices, every of them so offending being lawfully convicted thereof, shall forfeit for the first offence, 10 s. to the King, and if he do not pay the same within six dayes after conviction, hee shall be imprisoned twenty dayes, and have only bread and water for his sustenance, and for the second offence 20 l. or &c. and suffer the punishment of the pillory, and lose one of his eares, and never be credited in matter of judgment, 2 *Ed.* 6. 15. P. 1. and Iust. 56.

*Nota.*

Artificers are compelled to work in Harvest, See Labourers.

None shall occupy any Art but which hath been an Apprentice, See Labourers.

Assault

# Assault.

1. IF any shall commit unlawful Assault, beating, wounding, or such like trespasses against the body of any one, or shall with force and against the Law, take the goods of another, or shall do any trespass in the Lands of another, they shall be imprisoned, and Punished according to the offence by the Justices discretion.

But the fines which they assess must be reasonable, having regard to the quantity of the trespass, and the cause, 2 *Ed.* 3. 6. 33 *Ed.* 3. 1. & P. Just. 18.

A servant or Workman assaults his Master, See Labourers.

Whosoever shall lie in a wait to rob Maime, or Kill another, shall be imprisoned and fined. See *Poulton*, Just. 18. *Lying in wait.*

## Assize of Bread and Drink.

1. IF any common Brewer, Baker, or Tipler, have broken the Assize of Bread, Beer, or Ale, he shall be fined by the discretion of the Justices, &c. And if any Steward in Leet, or Officer in Market Town, shall take any fine for breach of the Assize of Bread or ale in such cases where corporall punishment is appointed, he shall be grievously fined, 51 H. 3. 13 *Ric.* 2. 8.

*6. break the Assize, the 1, 2, 3, time he shall be amerced.*

3. If a Baker or Brewer shall break the Assize the first, second, and third time, he shall be amerced according to his offence; except it be great, but if his offence be great, or that he doth offend a fourth time, or ofter, then the Baker offending shal be set on the Pillory and the Brewer punished by the Tumbrell; which shall not be pardoned for Gold nor Silver, 51 *Hen.* 3. & P. Weights and Measures, 15.

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Badgers,

## Badgers, Laders. Drovers,

1. ALl licences made to any badger, Lader, Kidder, or Carrier of Corn, Drover of Cattel, Buyer or Transporter of Corn and Grain, Butter and Cheese, otherwise than in the open general quarter Sessions of the peace holden in the Shire where the party admitted, assigned, or allowed, doth, or by the space of three years before the Test of this Licence hath dwelled, or other then to such persons as is, or hath been married, is a houshoulder, no houshould servant or retainer, and thirty years of age at the least, or to have continuance for more then one year, or which beareth not date the day and place where the Sessions is holden, or is not signed and sealed with the hands and seals of three Justices of the peace at the least there present, whereof one to be of the quorum, shall be void, and the party which taketh the same shal forfeit 5. l. to the King and Informer, 5 *El.* 12. and P. 2.

*To whom and where a Badgers Licens shal be made.*

2. Whosoever shall by authority of such license buy any Corn out of open Fair or Market to sell the same again (except he be thereunto specialy licenced by expresse words in his Licence) shal forfeit, *ut antea*, 5 l. 5 *El.* 12. & P. 1.

## Bark.

*Regrating or ingrossing of Bark*

1. WHosoever shall get into his hands any Oaken-bark, to the intent to sel the same again, shall forfeit the barks, or the full value thereof, 1 *Iac.* 22. & P. Leather, 14.

*At what time trees to be barked, shal be felled.*

2. Whosoever shal sel any trees meet to be barked, where bark is worth 2. s. a load, without the charge of barking and pilling timber for necessary building or reparations of houses, ships, or mils, excepted, but between the first day of April, and the last of June, shall forfeit for every tree the double value thereof, 1 Iac. 22. & P. Leather 15.

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## Barator.

1. A Common Barrator is he who is either a common mover, or stirrer up, or maintainer of suits in Law in any Court, or else of quarrels in the County, and not only in one, or two, but in many causes.

Such persons may bee bound to the peace, or good behaviour, and may be imprisoned and punished according to

to the Juſtices diſcretion, 2 *Ed.* 3. 6. & P. Juſtices 18.

## Baſtardy.

HE that is ſuſpected to have gotten a Baſtard, ought to be bound to the good behaviour, to the end he may be forth-comming when the child ſhall be born, *Lam.* 12.

*Who ſhall take order for Baſtardy.*

Two Juſtices of Peace, one of them being of the Quorum, in, or next to the limits where the pariſh Church is, in which pariſh any Baſtard begotten, and borne out of lawfull Matrimony, ſhall be born, upon examination of the cauſe and circumſtances, ſhall and may take order by their diſcretions, as well for the releife of the pariſh, and keeping of the child, by charging the mother, or reputed father with the payment of money weekly, or other releif, as alſo for the puniſhment of the mother, and reputed father, 18 *El.* 3.

*Refuſing to perform the order.*

If the mother or reputed father, upon notice thereof, ſhall not perform the order of the Juſtices, ſubſcribed under their hands, ſuch perſons ſo making default, ſhall be by the ſame Juſtices committed to the common Goale, there to remain without baile, or mainpriſe, except ſuch perſons ſhall put in ſufficient

ſufficient ſureties to perform the ſaid order, elſe appear at the next Seſsions of the peace to be holden in that County, and alſo to abide ſuch order as the Juſtices or the more part of them ſhall there take in that behalf, and if they take no order there, then to abide the order before made, *ibid.* & P. 1.

*Vide.* That the Mother may be examined upon Oath concerning the reputed Father.

*The puniſhment of the Mother.* By the Stat. 7 *Iac.* every ſuch lewd woman ſhal be ſent to the houſe of correction, there to be punished, and ſet to work for a year, and if ſhe ſhall eft ſoons offend ſo again, then to be committed to the ſaid houſe of correction as aforeſaid, there to remain until ſhe can put in ſureties for her good behaviour not to offend ſo again.

*Note.* But ſuch a baſtard child muſt be one that is left to the charge of the parish, or like to be chargeable to the parish, 7 *Iac.* 4.

*Quere.* If the Juſtices may puniſh the Mother by force of the Stat. 18. *Eliz.* and after ſend her to the houſe of correction, becauſe *Nemo debet bis puniri pro uno delicto.*

*Note.* The mother may not be ſent to the houſe of correction before the child be born, *Dalton.*

Such child is not to be ſent to the houſe of correction with the mother, but

but rather to be kept in the town where it was born, and there to be relieved by the work of the mother, and by reliefe commonly from the Father; yet it is commonly used to send the child with the mother to the house of correction, *de eo quære.*

---

## Brewer,

1. IF any brewer which breweth beer or ale to sell, shall by himself, or other to his use, occupy the mystery of Cooper, or make Barrels, &c. or other vessels of wood wherein to put his Beer or Ale to sale, he shall forfeit for every vessel made 3. s. 4. d. to the King and the Informer, 23 H. 8. 4. *No Brewer shall be a Cooper.*

2. If any Beer Brewer, or Ale brewer shal sel his drink at higher prizes than shall be appointed by the Justices of the Peace, &c. he shall forfeit for every Barrell so sold, six shillings, for every Kilderkin three shillings, and four pence; for every Firkin two shillings; for every lesser vessell twelve pence, and for a greater then a Barrell, tenne shillings to the King and Informer. *The prices of Ale and Beer.*

former, 23. *Hen.* 8. 4. and *Poulton* 2.

*Nota.*

3. The Iustices of the peace for every shire where any Ale or Beere-Brewer doth dwell (out of a City, Borough, or Town, or other place where no head officer hath any rule) have power to Sess and Tax by their discretions the prices of every Barrell, Kilderkin, or Firkin of Ale or Beere. 23 H. 8. 4. & P. Iust. 78.

*None shall sell drink to an alehouse keeper unlicensed.*

4. If any person shall by himself or otherwise, directly, or indirectly sell, utter, or deliver any Beer or Ale to any person, or into the house or seller of any person that then shall sell Beer or Ale as a common Tipler without License then in force to sell Ale or beere, he shall forfeit for every barrel 6 s. 4d. and so after that rate for a greater or lesser vessel or quantity, 4 l. ac. 4. and P. Alehouses, 10.

## Buggary.

*Buggary.*

THe Iustices of peace may hear and determine the said offences of buggary, as they do use to do in other cases of Felony, and such offender shal not be admitted to his Clergy. 25 H. 8. 6. 5 Eli. 17. & P. 1.

Burglary.

# Burglary.

Burglars ſhall not have the benefit of their Clergy, 18 *El.* 6. But there are four ſpeciall things which muſt concur to make this Felony, *viz.* *Burglary.*

1. The time only in the night.

2. The place either publique, as the Church, or walls or gates of a City, or walled Town, or private, as a dwelling houſe, and then ſome body muſt be within at the ſame time. Alſo the breaking in the night of a ſtable, barn, or other out-houſe adjoyning or near the dwelling houſe, to the intent to ſteal, is Burglary, though he take nothing. See *Dalton.*

3. The manner conſiſteth, partly in breaking of the houſe, and partly in entring therein; yet it ſeemeth that he that is taken in the only attempt of a Burglary, ſhall be hanged though he make no actuall entry, as to put back the leaf of a window, to draw the latch of a door, or turn the key in the inner ſide of the door, to break a glaſs window and hook out any goods, or to come down a chimney, *&c.*

4. The intent, which muſt be either to kill or rob ſome perſon, or do ſome other Felony, See *Dalton* 223.

## Burning of Houſes.

TO burn a dwelling houſe, or other houſe parcel thereof, by night or day felonioufly is Felony.

So it is to burn a ſtack of Corn Felonioufly.

So it is to burn a Barn adjoyning or near a dwelling houſe in the night Felonioufly.

So it is alſo to burn a Barn in the day time having Corn in it, though it be not adjoyning to the dwelling houſe.

## Butchers.

*Kill not weanlings.*

1. IF a Butcher ſhall buy cattel, and ſel the ſame alive, he ſhal forfeit to the King and Informer the ſame cattel, 3 & 4 *Ed.* 19. 1 *Iac.* 25. & P.

2. If a Butcher or other perſon ſhall kill any Weanlings, Bullock, Steer, or Heifer being under the age of 2. years, to the intent to ſell the ſame again whole or by retail, he ſhall forfeit to the King and Informer for every one ſix ſhillings and eight pence, 24 H. 8. 2. 1 *Iac.* 25. & P. 2.

3. &

3. A Buther that selleth swines flesh measled, or flesh dead of the morein, after he shal be convicted thereof, shal for the first time be grievously amerced, the second time be judged to the Pillory; the third time he shal be imprisoned and fined, and the fourth time he shall forswear the town. *Selling measled or morein flesh.*

And in this manner it shal be done of all that offend in like case, as of Cooks, &c. 51 H. 3. and P, 4.

4. If a Butcher shal gash or hurt any hide of Ox, Bul, Steer, or Cow, he shall forfeit for every hide, 20 d. 1 *Iac.* 22.

Or shall water any hide, except in *Iune*, *Iuly*, or *Auguſt*, or shall put to sale any putrified, 3, s. 4. d. *ibidem* & P. Leather 1.

5. No Butcher or other person shal kill any Calfe to sel, being under five weeks old, on pain to forfeit for every calf 6. s. 8. d. 1 *Iac.* 22. & P. Leather, 2.

6. No Butcher shall be a Tanner *simul & semel*, under the pain of forfeiting 6. s. 8. d. for every day. 1 *Iac.* 22. & P. *ibidem*, 3.

Butchers conspiring to sel their meat at certain prices. See Artificers. 1.

Captains,

# Captains, Souldiers, Musters.

*Souldier making away his horse or harness.*

1. IF any Souldier serving the King in his wars shal give away any horse, gelding, mare, or harness wherewith he was set forth, he shal be imprisoned till he make satisfaction, 2 *Ed.* 6. 2. & *P. Just.* 84.

*Absenting from the Musters.*

2. If any person absenting himselfe without true and reasonable cause (being commanded to Muster before any having authority for the same) or not bringing with him in a readinesse his best furniture of array, and armour of his own person, he shall be ten dayes imprisoned, or pay forty shillings fine, 4 & 5 *P. & M.* 3. & *P.* 11.

3. If any person authorised to muster or levy men for the Kings service in war, shall take any reward for the discharge or sparing any from that service, or shall not pay to his Souldiers their whole wages, conduct, and coat money, within ten dayes after he shall receive the same, or for gain hath licensed any to depart out of the service, he shal forfeit for every offence ten times as much as he taketh, and pay to every Souldier treble the sum withholden,

4 &

& 5 P. & M. 3. 2 Ed. 6. 2 & P. 12.

4. Every parish shal be charged with a weekly summe towards the relieſe of Souldiers and Mariners by the more part of the Justices of the peace in their generall quarter Sessions next after Easter yearly, so as no parish be rated above 10. d. nor under 1 d. and so as the totall summe of such taxations in any County where there shall not be above 10. parishes do not exceed the rate of six pence for every parish in the same County, 43 *Eliz.* 3. & *Poulton* 17.

A remedy for such as refuse to pay the said taxation, *ibid.*

5. Who shall collect the said taxation, and how, and when they are to dispose of it, see 43 *El.* 3. & *Poulton*, 18.

6. The Justices of the peace shall grant relieſe in quarter Sessions to Souldiers and Mariners, and may alter and revoke the same again, *ibid.* & P. 19.

They may also alter and dispose of the surplusage of the stock, as the most of them there shall think fit, *ibid.* & P. 24.

7. If a Souldier or Mariner shall be taken begging, or shall counterfeit a Certificate, he shall for ever loſe his pension, and be punished as a common Rogue, *ibid.* & P. 23.

8. If

*Felony in Souldiers.*

8. If a Souldier, Mariner, or Drummer depart from his Captain without licence, it is Felony, 18 H 6. 19. & P. 3.

9. If a Souldier or Mariner wander abroad without a Testimoniall, it is felony. So it is in every one wandring as a Souldier or Mariner, which shal forge or counterfeit a Testimonial, 39 El. 17. & P. *sub titulo* Mariners 4 & 5.

*Certificate.*

10. How and by whom a Certificate of a Souldier or Mariner shal be allowed and made, see 43 El. 3. & P. 19.

## Church and Church-yard.

1. IF any person shall malitiously strike with any weapon in Church or Churchyard, or draw any weapon there to that intent, and shall be thereof lawfully convict, he shal have one of his ears cut off, and if he have no ears, then he shall be burned in the cheek with a letter F. and stand (*ipso facto*) Excommunicate, 5 & 6 Ed. 6. 4. & P. Fighting 4.

2. Fairs or Markets in Churchyards, see Fairs.

3. B

3. If any shall feloniously take goods
t of any Church or Chappell, it is
lony, and he shall not have Clergy,
e P. Clergy 13.

4. Whosoever not having lawfull
l reasonable excuse to be absent, shal
repair to his or her parish Church
Chappell accustomed, or upon let
reof, to some usuall place where
mmon Prayer, is to be used every
nday, and other Holyday, and there
erly and soberly abide during the
e of such common prayer, preaching
ther service of God, and shall be
led in question within one month
r default, shal forfeit for every de-
lt 12.d. to the use of the poor where
offenders shal be resident and abi-
g at the time of such offence com-
ted, 1 El. 2. 3 Iac. 4. & P. Recusants
50.

*Not reparing to the Church.*

nd whosoever being above the age
6. years, shal not repair to some
rch or chappel as aforesaid, shall
eit for every month 20.l. to the King
El. 1. & P. Recusants 3.

nd whosoever shal keep, relieve or
pour any such person, shal forfeit
very month, 10.l. 3 Iac. 4. & P. Re-
nts 51. See Recusants.

Church-

## Church-wardens, and Overseers.

1. IF the Church-wardens and Overseers of the poor of every parish shall not take order for setting a work, or relieving their poor, for assisting the inhabitants and occupiers of land in their parish, or shall not endevor to levy such Assessments, shal not meet together monthly & account as they ought, every one making default, shall forfeit for every default 20.s. to the use of the poor. 43. El. c. 2. P. Poor 2. in.

And if any Church-Warden, Overseer shall refuse to account, Justices may commit him to prison without bayle till he make a true account, and satisfie and pay so much upon the said account shall be remaining in his hand, 43 El. 2. & P. 4.

2. If the Church-wardens, &c. shall not truly collect, and pay over to the high Constable of that Division, dayes before the end of every quarter Sessions such money as they ought to pay for the relief of the prisoners in the Marshalsea and Kings-Bench, then they shal forfeit for every default 10.s.

the uſes in this Act comprised, 43 *El.* 2. & P. Poor 14.

And they also forfeit 5. l. for not levying the money, and paying the same money so taxed for reliefe of the prisoners in the common Goales of the County, according to the Stat. 14 *El.* 5. and P. Prison 4.

3. If the Churchwardens and petty Constables shall not truly collect and pay to the high Constables of that division ten dayes before every quarter sessions such mony as they ought to pay for the relief of Souldiers and Mariners, they shal forfeit for every default 20. s. 43 *El.* 3. and P. Capt. *&c.* 17. 18.

4. If the Churchwardens or Overseers, or other officer to whom the mony forfeited by 4 Jac. for uttering Beer or Ale to Tiplers unlicensed shall be payed, do not within convenient time truely bestow the same among the poor they shall forfeit double the value thereof, 4 Jac. and P. Alehouses 12. 13.

5. The Churchwardens duty in levying the penalties of Alehouse-keepers, *&c.* See Constables 9

Their duty in presenting the monthly absence from Church of Recusants, See Constables 14.

7. Their duty in chusing dayes for amending the high wayes, See Highwayes 1. 11.

8. They

8. They forfeit 5 l. for not receiving Rogues lawfully sent unto them.

Their duty for binding out poore children Apprentices, and imploying their mony acording to the Stat. 7 *Iac.* 3. See constables 15.

## Clergy.

1. IN what cases clergy is allowe and what not, see *Poulton* 1. &c.

2. Where clergy lyeth, it grantable but once to one person (e cept he be within holy Orders) 4 H. 3. & P 16.

Cle

## Clark of the Market:

1. IF the Clark of the Market shall take any common fine to dispence with faults, or shal ride with more than six horses, or tarry longer in the country than the necessity of his business requireth, he shal forfeit to the King for his first offence, 5. l. for the second offence 10. l. and for the third offence 20. l. 13 *Ric.* 2. & P. 1. *Common fin.*

2. He ought also for to have all his Weights and Measures signed according to the Standard of the Exchequer with him, when he goeth to allay Weights and Measures, and he nor any other shall use any other Weights or Measure, i. *Ric.* 3. & P. i. *V. Weights & Measures.*

## Cloth.

1. THe Justices of peace in their severall quarter Sessions may enquire, heare, and determine every fault and offence made, or done contrary to the act of 39 El. 20. concerning woollen cloth, see P. Drapery, 127, &c. & 43 El. 10.

2. If any perſon ſhal preſent any cloth which is defective or faulty contrary to the ſtat. 5 Ed. 6. the ſame cloth ſhal be by two Juſtices of the Peace cut into three equal parts, where of the King ſhal have one, the preſenter one, and the third they ſhal retain themſelves, 5 Ed. 6. 6. & P. Drapery 29.

3. If Clothiers, or other Maſters ſhal refuſe to pay ſuch wages to their Spinſters, Weavers, and other workmen whatſoever as ſhal be aſſeſſed by the Juſtices of the Peace at their Seſſions, and ſhal be thereof convict, they ſhal forfeit for every ſuch offence, ten ſhillings to the party grieved, 1 Iac. 6. & P. Juſt. 66.

*Refuſing to pay wages.*

4. If Spinſters, Carders, Weavers, &c. ſhal imbezel, ſel or detaine any part of their Clothiers wool, or yarn, as wel every one of them, as the buyers, and the receivers thereof knowing the ſame to be imbezelled, being convicted thereof by confeſſion of the parry, or proved by one ſufficient witneſs upon oath, before two Juſtices, ſhal give ſuch recompence to the party grieved, as the Juſtices ſhal think fit, and if they be not able, then to be whipped and ſet in the ſtocks near the place where the offence was committed, 7 Iac. 7.

*Linnen Cloth.*

5. If any perſon ſhall wittingly uſe any deceitful art or means with Linnen

n en Cloth, whereby the ſame is made worſe for the uſe thereof, he ſhal forfeit his ſaid Cloth, and ſuffer one monthes Impriſonment at the leaſt, and pay ſuch fine as ſhall be aſſeſſed by the Juſtices, 1 Eliz. 12. & P. Linnen cloth 2.

## Dyers and Dying.

THe default and puniſhment of Dyers, 23 *Eliz.* 9. 39. *Eliz.* 11. & *Poul.* Drapery, 65. & Juſt. 82

## Conjuration, Witchcraft, Prophesying

1. WHoſoever ſhall uſe Invocation, or conjuration of any evil ſpirit, or ſhal conſult, covenant with, entertain, imploy, feed, or reward any evil Spirit, for any intent, or ſhall take up any dead man, woman, or child, or any part of any dead perſon, to be uſed in any manner of Witchcraft, Sorcery, Charme, or

*Conjuration or Witchcraft where by any perſon is killed or lamed.*

Inchantment; or ſhall uſe Witchcraft, Inchantment, Charm, or Sorcery, whereby any perſon hath been killed, deſtroyed, waſted, conſumed, pined, or lamed in his body, or in any part thereof, ſhall, together with his Aiders, Abettors, and Councellors, being Lawfully convicted, ſuffer death as a Felon, and not have the benefit of Clergy, 1 *Iac.* 12. and P. 1.

*Declaring where things be hidden for procuring unlawful love.*

2. VVhoſoever ſhall undertake by VVitchcraft, Inchantment, Charm, or Sorcery, to tel in what place any Treaſure of Gold or Silver may be found; or to the intent to provoke any perſon to unlawful Love, or to impare, or deſtroy any perſons Goods or Cattle, or to hurt any perſon in body, although the ſame were not effected, ſhall for the firſt offence ſuffer Impriſonment by the ſpace of one whole year without Bail, and once every quarter of the ſaid yeare, ſhall in ſome Market-Town on the Market or Faire day, ſtand openly on the Pillory by the ſpace of ſix hours, and there openly confeſſe his fault and offence, 1 *Iac.* 12. & *Poult.* 2.

*First offence.*

*Second offence.*

And for the ſecond offence ſhall ſuffer death as a Felon, and not have Clergy, *ibid.* & P. 3.

*Prophesying.*

3. Whoſoever ſhall adviſedly advance, publiſh, and ſet forth by writing, printing, open ſpeeches, or deed to any other perſon,

person, any fantastical or false Prophesie upon Arms, Fields, Beasts, or Badges, or upon any Time, Name, Bloudshed, or War, to make thereby Rebellion, dissention, loss of life, or other Disturbance within the Kings Dominions, shal for the first offence be imprisoned a year without Bail, and forfeit to the King and Informer 10. l. And for the second offence be imprisoned during life, without bail, and forfeit to the King and Informer all his Good and chattels, 5 El. 15. and P. Prophesying.

## Constables.

1. EVery Constable ought to be *Idoneus homo*, that is to say, apt and fit for the execution of the said Office; and he is *idoneus* who hath these three things, *viz.* *Who ought to be chosen Constables*

1. Honesty:
2. Knowledg.
3. Ability.

1. Honesty to execute his office truly without malice, affection or partiality.

2. Knowleege to understand what he ought to do.

3. Ability, as wel in substance, or estate as in body, that so he may attend and execute his office diligently, and not through impotency of body, or want, to neglect the place.

And if any shal be chosen Constable, which is not thus enabled and qualified, he may be discharged, *Dalt. f.* 37.

*The duties of constables.*

2. All Constables and other Officers ought to be attendant and assisting to the Justices of Peace for the execution of the Stat. 33. & 37. H. 8. concerning Retainers, giving of Liveries, Maintenance, Embraecry, Bow-staves, Archers, unlawful Games, Fore-stallers, Regraters, Victuallers, and Innholders, upon pain to be fined by the discretion of any two Justices of the peace, P. Just. 20.

*Escape.*

3. If a Constable or such other Officer shal arrest one for Felony, and after suffer him to escape, it is Felony in such constable, of whatsoever other kinde the offence be; if the Officer shall by his will or negligence suffer the party to escape, he shall be fined, which Fine shall be equal with the value of his Goods, if his fault do so require, See the Duties o. constables, *f.* 22.

*Purveyor.*

4. If a constable, or other head Officer shall be requested to resist Purveyor which refuseth to make ready payment of any Purveyance not exceeding

ceeding forty shillings, and he notwithstanding shal not aide and assist such owner, he shal pay to the party grieved the value of the thing taken, and his double damages, 20 Hen. 6. 8. & *Poulton* Purveyors, 22. & Just. 58.

*Labourers in Harvest*

5. If the Constable, or other such Officer of any Townsh p upon request made, and for the avoiding the loss of Corn, or grain, or Hay in the time of Harvest, shal not cause all such Artificers and Labourers (as be meet to Labour) by his discretion, to serve by the day, for the mowing, reaping, or inning of corn or Hay, according to the skill and quality of the person, and such as refuse to imprison in the stocks by the space of two dayes and one night, he shall forfeit 40. s. 5 *El.* 4. & P. Labourers 13.

*Search for Rogues, & convey them to the house of correction.*

6. If Constables and Tything-men shal not make privy search within their limits for Rogues and Vagabonds according to the Statute 7 *Iac.* 4. Or shal not safely convey all such Rogues and idle persons at the charge of the Hundred, as by the Justices Warrant shall be sent to the house of correction, they shall forfeit such Fines as the Justices shall think fit, not exceeding forty shillings for every such offence, 7 *Iac.* 4.

7. If any Constable, or Tything-

man shal not do his best endeavour to apprehend such rogues as beg, & abide within his limits, or shal not cause them to be punished, and conveyed away, according to the Stat. 39 El. 4. he shal forfeit for every default 20. s. *ibid.* and 1 *Iac.* 7. & P. Vagabonds, 5. and *vide* P. ii. how this forfeiture shal be imployed.

*Apprehend Rogues as be, and punish them.*

8. If any Constable, Headborough, or Tythingman shall not punish, and convey every Rogue and Beggar that shall be brought and set on land here, from *Ireland*, *Scotland*, or the Isle of *Man*, according to the Law, he shal forfeit for every default 10. s. 39. El. 4. P. Vagabonds 6.

*Outland sh Rogues.*

9. If any Officer wil not receive a Rogue, to convey him according to the Law, he shall forfeit five pounds, P. Vagabonds 5.

*Refusing to receive Rogues to convey them.*

And if any being a sturdy or impotent Rogue shall be sent to a Towne where he ought to be sent, and shal be refused, that person refusing shal forfeit 5. l. And he that is sent, is to be offered to the Churchwardens and Overseers.

*Nota.*

To send Rogues by a general Passport is a forfeiture of 5. l.

*Hedge breakers.*

10. If any Constable, or other inferiour Officer shall not whippe such hedge breckers, robbers of Orchards, and

and Gardens, cutting of Corn and Wood &c. as shall be for that purpose committed to them by a Justice of the peace, he shall be imprisoned without bayle till it be done, 43 *Eliz.* 7. & P. *Trespass* 2.

11. Every Constable, and other officer that shall willingly make default in levying such money as they shall be commanded by the Warrants of any Mayor, Justices of the Peace, &c. for the Relief of the poore infected with the Plague, shall forfeit for every such offence ten shilings to the use of the poore infected persons, 1 *Iac.* 31 and P. *Plague* 3. *Plague.*

12. If any Constable or other inferiour Officer, to whom it shall be given in charge by precept from any Justice of the peace, within his Limits shall neglect the due correction of a Drunkard, or the due levying of the penalties imposed upon such offenders, where distress may be had, he shal forfeit ten shillings to the use of the poor of the same Parish, 4 *Iac.* 5. & *Poulton.* Drunkenness 2. *Drunkards.*

13. If any Ale-house-keeper shal be neglected by the Constables or Church wardens not doing their duty in levying of the penalties &c. Or in default of distress, shall not crucifie such default by the space of two dayes then *Ale-house keepers.*

next ensuing to the Justices within whose limits the offence shal be committed, the Constables, &c. shall forfeit for every such default fourty shillings to the poor, 1 *Iac.* 9. & *P.* Alehouses 3.

*Vnlawfull Games.*

14. If Constables and other head Officers shall not make due search Weekly, or at the furthest once every month, where unlawful Games be, and execute the Statute in all things according to the purport of the same, shal forfeite for every Month fourty sh. 33 *Hen.* 8. and *Poulton* Players, 6. 7. 8. See who shal have Forfeitures, *ibidem.*

*Poor children Apprentices.*

15. If the Parson or Vicar of a Town or Parish, not corporate together, with the Constables and Churchwardens, Collecters, and Over-seers, where any summe of money is, or shal be given to be imployed for the binding out of poor children Apprentices, or any of them shall forbear wilfully, or refuse so imploy such money according to their Duties therein, every of them so offending, shall forfeit three pounds, six shillings, eight pence, for every such offence, the one halfe to the use of the poore, and the other halfe to any that will sue. 7 *Iacobi* 3.

*Present Reasonings.*

19. If Constables and Churchwardens, or where there be none, the chief

chiefe Constables of the Hundred shal not once every year presen the monthly absence from Church of Popish Recusants according to the Stat. of 3 *Iac.* 4. they shall forfeit for every default twenty shillings, 3 *Iac.* 4. P. Recusants 41.

17. It shal Constables do not see Wath duly set and kept from Sun setting till the Sun rising, between *Ascention* day, and *Michaelmas* day, and make presentment to the Justices of the peace at their Sessions, of the default of watches, and such as lodge Strangers, for whom they wil not answer, they shal be fined by the discretion of the Justices, *VVinch.* 13. *Ed.* 1. 5. *Hen* 4. 3. & *Poult.* Watch 1, & 2. *VVatches set and kept*

18. If a Constable being present at an Affray, shall not do his best endeavour to part them, it being presented at the Sessions, he shal bee deeply fined, and the Affrayer at the discretion of the Justices, he may justifie the hurting of them if they resist, & may command assistance, and imprison the Affrayors in the Stocks til they find sureties of the peace, *Dalton* fol. 28. *Affray.*

High-

# High Constables.

*Highwaies.* SEE the Constables duties in choosing Surveyors of the Highwayes, Highwayes 1.

*Prisoners.* If the high Constable or other head officer shall not pay the money by him received for the relefe of prisoners in the Goale at the next quarter Sessions to the persons appointed by the Justices to receive the same, he shall forfeit five pound, halfe to the King, the other to the Prisoners, El. 5. 1 *Jac.* 25. & *Poul.* Prisoners 4.

If the high Constable shall not pay at every quarter Sessions to one of the Treasurers of the shire such money as the Churchwardens shal pay to him for the prisoners in the Marshalsey, and Kings-bench, he shall forfeit for every default 20. *l.* 43 *Eliz.* 3. & P. poor people 14.

*Maimed Souldiers.* If the high Constables shal not pay in like manner that money which the petty Constable or Churchwardens bring to him for disabled Souldiers, he shall forfeit 40. *s.* 43 *El.* 3. & P. Captains 18. See Churchwardens 3. for the Constables neglect herein.

Correction

# Correction-houses.

EVery Justice of peace in the county where there is not a convenient house of correction with convenient backsides, and necessary implements, shall forfeit 5.l. 7 *Iac.* 4. *Houses of correction.*

2. The more part of the Justices may at any time of quarter Sessions, give order for the erecting of houses of correction, and for stocks of money, and all other things necessary for the same, or for the Government thereof, 39 El. 7.

3. Houses of correction are to be purchased, conveyed, or assured upon trust to such persons as by the more part of the Justices of the peace in their quarter Sessions of the peace shall bee thought fit. And such Justices may at their said quarter Sessions, next after such houses built, and so from time to time appoint Governours or Masters thereof, and may make them such allowance and maintainance as they shal think meet.

And if the Masters of the houses of correction shall not every Sessions yeild a true and lawful account to the Justice of the peace of all such persons

son as they have committed to their custody, or if the said persons shal trouble the Countrey by going abroad, or escape from such houses of correction, the most part of the said Justices in their quarter Sessions may fine the said Masters and Governors as they shall think fit. 7. Iac.

## Coopers.

*The prizes of Vessels.*

1. The prices of all Barrels, Kilderkins, Firkins, and other vessels to be sold for Ale, Beer, or Sope to be uttered therein, made or sold out of any City, Borough, or Town corporate, shall be taxed by the Justices of peace, or the more part of them being present in the quarter Sessions yearly after Easter, at such prizes as they shal think fit and reasonable, and if any Cooper shal sel any of the same above such prizes affessed, and proclamation thereof made, he shal forfeit for every vessel sold at a greater price, three shillings four pence to the King and Informer. 8. Eliz. 9. & P. 1. & Just. 79.

2. If any Cooper shall make his vessels for Beer or Ale of unseasonable

ble Woond, or ſhall not make a Beer-Barrell to contain 36. Gallons; a Kilderkin for Beer, 18. Gallons; a Firkin for Beer 9. Gallons, and a Barrel for Ale, 32. Gallons, a Kilderkin for Ale 16. and a Firkin 8. Gallons of the Kings Standard. And if any Cooper ſhal make any Veſſel for Beere or ale to be ſold of any greater or leſſer number of Gallons than is aforeſaid, unleſs he cauſe it to be marked upon every ſuch Veſſel the certain number of Gallons it containeth, and that with his own mark, he ſhal forfeit 3. ſhil. 4. d. 23 *H.* 8. 4. & P. 2.

*The contents of ale and beere Veſſels.*

*Marking of Veſſels.*

3. Whoſoever ſhal make any Veſſels that being empty containeth not 32. Gallons for the Barrel, 16. for the halfe Barrel, and eight for the Firkin, or weighed above 26. pounds the Barrel, the halfe Barrel 13. and 6. and a halfe the Firkin, ſhal loſe 3. ſhil. 4. d. for each one, 23 *H.* 8. 4.

*Sope Veſſels.*

4. Whoſoever ſhal diminiſh any Veſſel to deceive another ſhall forfeit 3. ſh. 4. d. and be further puniſhed at the diſcretion of the Officer, 23 *H.* 8. 4. & P. 3.

*Diminiſhing of Veſſels.*

## Corn.

*Seed corn.* IF any person shall buy Corn in any Fair or Market, for change of his Seed, having then sufficient for his house, and for sowing of his ground for a year, and shall not bring thither (if he might) somuch as he did so buy, and the same day sell it after the price then going, he shal lose double the value of the Corn so bought, 5 Ed. 6. 14. 13 El. 25. and P. 30.

## Transporting of corn, see Poult. 1, &c.

## Coroners.

1. WHo shal be Coroners, and of whom, and where they shal be chosen, and of what thing they shal enquire, see 3 *Ed.* 1. 10. 14 *Ed.* 3. 8. P. 12.

2. If a Coroner be remisse in viewing

viewing a dead body murdered, or slain, and shall not enquire of them that did the murder of death of their abettors, or consenters, who were present thereat, and their names, or so found, shall not enrole certifie, and deliver his Inquisition according to the Law, he shal forfeit unto the King five pound for every offence, 3 *Hen.* 7. 1. & *Poulton*, 10. 14.

3. If a Coroner shal refuse to do his Office upon the view of a dead body, by misadventure, without any fee therefore, he shall forfeit 40. s. 1 *H.* 8. 7. *Refusing to do his Office.*

But upon an Inquisition taken upon the view of the body slain, he may take 3. s. 4. d. 13 *H.* 7. 1. & P. 15. But if he take more, it is extortion. *His fee.*

4. Every Coroner which shall be absent from the assessing of wages for the Knights of the shire, shal forfeit to the King 40. s. 23 *H.* 6. 11. & P. Parl. 12.

5. If a Coroner shall conceale, or not arrest Felons when he may he shal be one year imprisoned, and make a grievous fine, or not being able, shall be imprisoned 3. years, *VVestm.* 1. 3. Ed. 1. 9. & P. Felony 1.

6. If default be found in a *Coroner* for impanelling a Jury, or returning Issues upon a commission to enquire of a ryot, &c. he shall pay to the Kings use 40. l. 2 *H.* 5. 8. & P. Ryots 7.

Cottages

## Cottages and Inmates.

NO person shal make, build, or cause to be builded or erected any manner of Cottage for dwelling, or convert or ordain any building or housing to be used as a Cottage for dwelling, unless he do lay thereunto 4 acres of ground at the least being his or their own Freehold or Inheritance, lying neer to the said Cottage, to be continually manured therewith so long as the said Cottage shall be inhabited, upon pain to forfeit to the King for every such offence 10 l. 31 El. 7. & P. 1.

2. Whosoever shall willingly maintain or uphold such Cottage, not having so many acres so lying and manured, shall forfeit to the King for every month forty shillings, 31 El. 7. P. 2.

*Inmates.*

3. Whosoever shall place or willingly suffer any Inmates, or more than one dwelling in one Cottage, shall forfeit to the Lord of the Leete for every month 10 l. 31 El. 7. P. 3. Just 10 l.

Coun-

## Counterfeiting of Letters or tokens.

WHosoever shall falsly and deceitfully get into his hands, or possession any money, goods, chattels, jewels, or other things of any other person, by color or means of a privy token, or counterfeite Letter, made in another mans name, the same being proved by confession, or examination of witnesses, shal suffer any corporal pain (except death) as shal be adjudged, and besides the party grieved shal have his remedy by action or otherwise for the same money or goods, 33 H. 1. & P. & Just. 54.

## Cut-purse.

A Cut-purse, not he which shal feloniously take any money, goods, or Chattels from the person of another privily without his knowledg in any place whatsoever, shall not have the priviledg of his Clergy, but suffer death as a Felon, 8 El. 4. & P. Clergy 1.

Escape.

## Escape

1. Justices of peace in their Sessi
may enquire of all manner
scapes for Felony, 1 *R.* 3. 3. an
so for Murder, and certifie there
King in his Bench, 3 *H.* 7. 1. & *l.* Ju

*Escape of a Murtherer.*

2. If any person be murdered or
in the day, and the Murtherer e
untaken, the Township where the
deed is done, shall be amerced for
said escape, 3 *H.* 7. 1. and *Poult.* 2.

3. Escape is of two sorts, *viz.*

1. Voluntary.
2. Negligent.

And for a voluntary Escape, if
Arrest or imprisonment were for F
ny, it shall be adjudged Felony in
which did suffer the prisoner to esca
*&c.*

*Nota.*

And note, that a voluntary Escape
not Felony, if the Act done were
Felony at the time of the Escape
but it is finable, and so is a negli
Escape, *vide* Dalt. f. 140.

Escheator

# Escheators.

NO Escheator shall sel or let to farm his Office, nor make any Deputy, but such as wil answer for at his peril, and shal certifie his Rolle under his Letters Patents to the Treasurer and Barons of the Exchequer, within twenty dayes after, upon pain to forfeit for every offence forty pounds 1 *Ed.* 9. & P. Just. 19. *Escheators fee.*

2. If an Escheator shal take for the Execution of any *Diem clausit extremum*, or other Writ in any County above 40. li. or 40. sh. where the Lands are not holden *in capite*, he shall forfeit fourty pounds to the King and Informer. 1. 6. 17. & P. 9. And for taking above 15. s. for the finding the office of Lands not exceeding five pound *per annum*, shall forfeit for every offence five pounds to the King and Informer. 1 *H.* 8. 12. & P. 3.

3. Whosoever shal take upon him to execute the office of Escheator not having Freehold of the yearly value of forty Marks above all charges, he shal forfeit twenty pounds, i *H.* 8. 8. 3 *H.* 6. 1 *P.* 5.

# Extortion.

IN Sheriffs and their Miniſters, ſ
P. Sheriffes, 6. 7, 8, 9.

2. In Coroners, ſee P. Coroners,

3. In Muſter Maſters, ſee P.
taines, 14.

4. In Eſcheators, ſee P. Eſcheato
3. & 7.

5. In Ordinaries, ſee P. Ordi
ries, 2.

6. In the Clerks of the Market,
P. 1.

7. In a Parſon, Vicar, or Curat
5 El. & P. Fiſh-daies, 3 & 5 El. 4. L
bourers, 7.

8. In a ſpiritual perſon for a Mort
ry, 2 H. 8. 6. & P. Mortuary 7.

9. In the clerk of the peace, for I
rolments in the County, ſee Inrolme
P. 2 & 27. H. 8. 16.

And for Regiſtring the License a
recognizance of a Badger, &c. ſee 5 E
12. 3. El. 15. & P. Badgers 3.

Faire

## Faire and Market.

*A place appointed for a horse-fair.*

IF the Owner, Officer, or Ruler of any faire or Market shall not yearly appoint one certain open place here for the sale of horses, &c. and one ffic.ent person, to take Tole, and keep he said place from tenne of the clock the forenoon until sun set, he shall rfeit for every default, 40 s. to the ing and Infor. 2 & 3 P. & M. 7. & P. 4.

2. When, where, and for whom tole horses must be taken, *ibidem*, & 5.

3. The sale of any stoln Horse in a air or Market shall not take away the wners property, except the horse be enly ridden, led, walked, driven, or ept standing by the space of an hour, etween the hours of 10. in the morning nd Sun set, in the open place of the air, and lawfully toled, 2 & 3 P. & . 7. & P. 5.

And yet nevertheless the owner may redeem the stoln horse within six months paying the price, 31 El. 12. & . 8. *Nota.*

5. No person shall sel or put away ny horse in any Faire or Market, unss the Tole-Taker, Book-Keeper, Bai-f, or chiefe Office thereof, will take perfect

perfect knowledg thereof, and ente
the sellers name, &c. into a Book ke
for horses sold, or unless the seller
bring to such Tole-keeper, or other o
ficer one credible person testifying tha
he knoweth the seller, and there ente
into such a book, as wel the summe
the name, sirname, Mystery, and pla
of such Testifier, together with t
price taken for such horse, and no
shall so testifie unless he do truly kn
the same; and no Tole-taker, &c. sha
make entry of any such sale, unless h
know the seller or testifier of such hor
and giving unto the buyer requir
and paying two pence for the same
true and perfect note in writing und
his hand of all the contents of t
same, upon pain that every perso
offending in the premises shall forf
or every default 5.l. and the sale
be void, 31 El. 12. & P. 7.

*The Seller must be known.*

5. If any person shall keep Faire
Market in the Churchyard, he shall b
punished at the discretion of the Jus
ces, 13 Ed. 6. 1. & P. 10.

Ferfants.

## Pheasants, Partridges, &c.

1. WHosoever shall take or cause to be taken any Pheasants or Partridges, by nets, snares, or other engines, upon the Freehold of any other, without his special license, shall forfeit to the owner of the ground, and the Informer, ten pound, 21 H. 7. & P. 1. & Just. 38. *Taking Pheasants & Partridges with snares.*

2. Whosoever shall take, kill, or destroy any Pheasants, or Partridges with any net, or other devices whatsoever in the night time, (except unwillingly by lowbelling or tramelling, who also shall then and there presently let them go again) shall forfeit for every Pheasant 20. s. and for every Partridge 5. s. to be payed within ten dayes after conviction, or in default thereof to be imprisoned for a month without bayle, and over and besides such forfeiture or imprisonment, to be bound with sureties for two years, not to offend so againe, 23 El. 10. & P. 2. & 5. & Just. 38. See who shall have forfeitures, *Ibid.* p. 3. *Taking them in the night.*

3. Whosoever shall shoot at, kill, or destroy with any Gunne or Bowe, any *Destroying certain games and their egs.*

Pheasant, Partridge, house Dove, or Pigeon, Herne, Mallard, Duck, Teale, Wigeon, Goose, Heath-cock, Moregame, or any such foule, or any Hare, or shall take, kill, or destroy any Pheasant, Partridge, house-Dove, or Pigeon with setting-Dogs, and Nets, or other Engines, or shall take the Egges of any Pheasant, Partridge, or Swans, or willingly destroy the same in the nests, or shall trace or course any Hare in the snow, or take any Hare with hare-pipes, cords, or any such Instruments or Engines, the same being confessed, or proved by two sufficient Witnesses upon oath before two or more Justices, shall be by them imprisoned for 3 monthes without bayle, or forthwith pay to the use of the Poore there, 20. s. for every Foule, or Hare, and for every egge of Pheasant, Partridge, or Swan, so taken or destroyed, or after one month after his imprisonment become bound with two sufficient sureties in 20. l. a peece not to offend so again, 1 *Iac.* 17. and *Poult.* 6.

*Tracing Hares*

*Taking Pheasants or Partridges with setting-dogs.*

4. Whosoever shall take, kill, or destroy any Pheasant, or Partridge, with setting-dogge, net, or any other engine the same being confessed or proved by any sufficient witness upon oath before any two of the Justices of the Peace, shall be by them committed for three monthes without bayle, unless he forthwith

with pay to the use of the Poore there 20. s. for every Pheasant or Partridge and be bound in 20. l. not to offend so again, 7. Jac. 28. 5.

5. By the Stat. 7 Iac. 11. He that hath inheritance of 40. l. *per ann.* Freehold of 80 l. *per annum*, or is worth in goods, 400. l. and their meniall servants thereto authorised, may take Pheasants and Partridges in the day time onely upon their owne and Masters fire Warran, Manor, and Freehold, between *Michaelmas* and *Christmas*, 7 Iac. ii.

*Note who may take Pheasants & Partridges, when and where.*

6. Whosoever shall sell, or buy to sel againe any Pheasant, Partridge, Hare or Deere not brought up in the houses, or brought from beyond the Seas, shall forfeit for every Pheasant 40. s. for every Partridge 10. l. for every Hare 10. s. and for every Deere 4 mf the one moyty thereof to the Informer, the other to the Poore, 1 Iac. 17. & P. 8.

*Selling of pheasant, partridge, Deer, or Hare.*

*Hawking of Pheasant or partridges.*

See Hawkes, 1. & 7 Iac. 11.

*Keeping Greyhounds, setting dogs and nets.*

See Hunters, 1. 6. & 7. and Poult. 6.

## Fish and Fish daies.

*Taking of Salmons.*

1. WHosoever shall take any Salmons betweene the Feast of the Nativity of the blessed Virgin *Mary* and Saint *Martin*, in any Rivers or waters, or shall take young Salmons at any Mill poole, or any other place, betweene the midst of April and Midsummer, or at any time cast into any waters any nets by which the fry of any Fish may be taken or destroyed, shall for the first offence have his nets burned, for the second be imprisoned three monthes, and for the third a whole year, 13 Edw. 2. 46. 13 R. 2. 19. & P. 1. & Just. 42.

*Taking of spawn.*

2. Whosoever shall with any Net, or other means whatsoever, take and kill any young brood, spawn, or fry of any fish in any floodgate-pipe, or taile of any mill, weare, stream, or river, salt or fresh water, or shall take there any Salmons or Trouts out of Season; that is, being kippers or shedders, or shall take or kill any pickerell under 10. inches, or Trout under 8. inches, or Salmon under 16. inches, or Barbel under 12. inches fish in length, or shall fish in any of the said places with any net, but such whereof every mesh shall be two inches and a half broad, shal forfeit for every offence

*Salmons & trouts out of season.*

20. for the fish and nets (Angling and the taking of Smelts, Gudgeons, Eeles, &c. in places onely where they have been usually taken excepted) 1 El. 17. & P. 34. & Just. 40.

This Statute doth not extend to any River where the King hath any yearly rent or profit, *ibid.* & P. 5. *Note.*

3. Whosoever shall unlawfully break cut down, or destroy the head or dam of any pond, mote, stew, or severall pit wherein fishes are put by the owner thereof, or shall wrongfully fish in any of the same, to the intent to take away the same against the owners will, shall pay to the party grieved treble damages suffer three months imprisonment, and then to be bound to the good behaviour with sureties for seven years, and the party grieved may take his further remedy for his loss and damages, and may release the suretiship of good abearing, at any time within the 7. years, 5 El. 21. & P. 7. & Just. 34. *Destroying of any pools or fishings.*

## Fish and the eating of Fish.

WHosoever shall by writing or open speech not sie, that the eating of Fish, or forbearing of Flesh upon any dayes now usual observed as Fish-dayes, is of necessity for Salvation of Souls, &c. shall be imprisoned and punished as spreaders of false News, 5. El. 5. & 1. Iac. 25, & *Poulton* News 1. & 2.

*Concerning fish dayes, and the eating of fl sh in Lent.*

See 5 Eliz 5. 35 Eliz 7 & 1 Iacob. 20. & Poulton, 1 &c.

## Force and forcible Entries

*Degrees of Force.*

1. THere are three degrees of Force, viz.

1. Such as enter peaceably and then hold forcibly.

2. Such

2. Such as enter with force, and then hold peaceably.

3. Such as both enter forcibly, and hold forcibly.

2. Whosoever maketh entry into any Lands and Tenements forcibly, and with strong hand, and multitude of people, and hereof shall be lawfully convicted, shal be imprisonned and fined at the Kings pleasure, 5 *Ric.* 2. 5. & P. 1. *Forcible Entry.*

3. Whosoever shall enter into any Lands or possessions with force, or entring peaceably shal hold the same with force, shall be committed to the next Goale, there to remain untill they have payed a fine to the King, And whether the parties which made such Entries be present or gone at the comming of the Justice, he shal in some good towne, or convenient place near where such force was made enquiry by a sufficient Iury of the same County, City, &c. of them which made such forcible entries, and if it be found that entry was made contrary to the Statute, he shall reseize the said Lands or Tenements so entred upon, and thereof put the party in possession which was in such sort put out. 15 Ric. 2. 2. 8 Hen. 6. 9. & P. 2. & Iust. 8. 9. *Forcible entry; or forcible detaining of Lands.*

None shall be endamaged hereby, which have continued three years possession, 8 H. 6. 9. Nor any restitution *Three years possession.*

upon any Indictment, 31 El. 11. & P. 4

*Each man shal help to remove force.*

4. If the Sheriffe or any other of the County, shall not attend to assist the Justice, and to arrest such offenders, he or they so offending shal be imprisoned and pay a fine to the King, 15. R. 2. 2. & P. 5.

The Justices charges in the execution of these Statutes, are to be born by the party grieved, *Ibid.* & P. 2.

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## Forestallers, Regrators and Ingrossers.

*Who is a Forestaller.*

1. A Forestaller is he that buyeth, or causeth to be bought, or maketh contract or promise for the having, or buying any victuals or wares comming by land or water towards any Faire or Market to be sold, before the same shall be in the Faire or Market, &c. Or that by any means maketh motion to any person for inhauncing the price of the same, or that doth dissuade, move, or stir any person comeing to the Market or Faire to forbeare to bring any of the same to any Faire

or

or Market to be sold, 5. Edw. 6. 14. & P. 1.

2. A Regrator is hee that regrateth or getteth into his possession in any Faire or Market any Corn, Wine, Fish, Butter, Cheese, Candles, Tallow, Sheepe, Lambes, Calves, Swine, Pigs, Geese, Capons, Hennes, Chickens, Pigeons, Conies, or other dead victuall whatsoever, brought to any Faire or Market to be sold, and selleth the same again in any Faire or Market there, or within four miles thereof, 5. Ed. 6. 14. & P. 2. *VVho is a Regrator.*

3. An Ingrosser is he that ingrosseth or getteth into his hands by buying, contract, promise, taking other then by demise, lease, or grant of land or tythe, any Corn growing in the field, or other Corn or Grain, Butter, Cheese, Fish, or other dead victual within England, to the intent to sell the same againe. (But such as do buy Barley or Oates without Forestalling, and turn the same into Malt or Oatmeale, and sell it again, and such Victuallers of all sorts as buy Victuall without Forestallings and sell it by retaile againe, and Badgers and Drovers being lawfully licensed, and not abusing their licenses, are excepted.) So be all buyers of Wines, Oyles, Spices, and other Forreign victual brought from beyond the sea hither, except Fish and Salt on. *VVho is an Ingrosser.* *VVho may Regrate. Ingrosse &*

ly, 5 *Edw.* 6. 14. & *Eliz.* 13. E. 6. & P. 5. & 6.

*The punishment of the offender.* 4. Whosoever shall be duly convicted of Forestalling, Regrating, or Ingrossing unlawfully within two years after the offences, shall for the first offence lose the goods or the value of them, and be two monthes imprisoned without bayle, and for the second offence lose double the value of the goods, and be imprisoned six monthes without bayle; and for the third offence lose and forfeit all his Goods and Cattle, stand on the Pillory, and be imprisoned at the Kings pleasure, 5 Ed 6. 14 & P. 4. & Iust. 3.

*Live cattle.* 5. Whosoever shall buy any Oxen, Kunts, Steers, Kine, Calves, Sheep, Lambs, Goates, or Kids, living, and sell them again alive, except he keep and feed them five weeks, shall forfeit the double value of them, 5 Ed. 6. 14. and P. Cattles.

*Forestalling of hides.* 6. Whosoever shall forestall any Hides or buy any out of open Market or Faire, unless of such as killed beasts for their own provision, shall lose for every hide vj. s. viij. d. 1 Iac. 22. & P. Leather 7.

*Bark.* 7. Regrating of Barks. See Bark.

*Wool.* 8. Regrating of Wool. See P. Iust. 98. & Wool.

*Leather.* 9. Ingrossing of tanned Leather. See

See 5 *Edw.* 6. & 15. & *Poulton* Leather 53.

## Forging of Deeds.

WHoſoever being once convicted or condemned of any of the offences prohibited by the Stat. of 5 *Eliz.* againſt the forging of evidences and Writings, and ſhall eftſoons commit the like again, ſhall be adjudged a Felon, and not have his Clergy, 5 El. 14. & Poult. 4.

A Servant taken with a forged Teſtimonial, ſhall be whipped as a Vagabond; See Labourers.

Forging Tokens or Letters, See Counterfeiters.

## Goldsmith and Gilding.

1. IF any Goldsmith, or worker of Silver, shall work any Silver that is not fine in allay as the Sterling, or shall not set his Mark upon his work before he set it to sale, he shall forfeit the double value, 2 H 6. 14. & P. 6.

2. If any Gilder shall offend against the Stat. 8. *Hen.* 5. concerning the gilding of metal and other things, he shall forfeit ten times the value of the thing gilt, and be imprisoned a year, 8. H. 5. 3. and P. 7. and Just 48.

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## Good behaviour.

*Against whom sureties of the good behaviour may be granted.*

SUreties of the Good behaviour is chiefly granted against common Barrators, common quarrellers, and common Breakers and perturbers of the peace, and also against Ryoters, against such as lye in waite to Rob, Maim, or Kill, or shall assault any, against such as are suspected to be Roobers upon the high-

highwaies, against such as are like to commit Murther, or other grievances to their ings people; and also against such as be of an evil name and fame generally, or in the place where they remain. 2 *Ed.* 3. c. 3. 4 *Ed.* 3. 2. & P. Just. 18. & *Dalt.* fol. 16.

Also against him that is suspected to have got en a Bastard, *Lamb.* 122. Also against Eavesdroppers; also against night walkers, and such as shall sleep in the day, and go abroad in the night, or use suspicious persons company, or shall commit outrages, &c.

## Guns and Crosbowes,

*Keeping & shooting in Guns, &c.*

1. WHosoever shall shoot in, or keep any Gun, Dag, Pistol, Crosbow, or Stonebow, or shall carry in his journey any Gun, Dag or Pistol charged, or Bow bent, but in time of war, or to or from Musters, except he have in his owne or wives right 100 l. *per annum* in Lands, Tenements, Fees, Annuities, or Offices, shall forfeit for every offence ten pound to the King and Informer.

33. *Hen.* 8. 6. & *Poulton* 1. & 3.

*The length of a hand-gun, hag, but demi-hake.*

2. Whosoever shal shoot in, carry, keep, use, or hand any Gun, but such as in stock and gunne shal be a yard long, or in any Hagge, Demihake, Dag, or Pistol, not being three quarters of a yard long, shall forfeite for every offence, 10. l. 33 *Hen.* 8. 6. & *Poul.* 2.

*Who may take away the Gun or Crosbow from the offender.*

And every person having 100. *per annum*, may seize and take away any that is shorter, but must breake it within twenty dayes after, under penalty of 40. s. He may also take away every Crosbow from any not having Lands, &c. as aforesaid, and keep it to his own use, *Ibid.*

*Shooting in a City or Market.*

3. Whosoever shal shoot in any gun, &c. neer to a Market town, except for defence of his person or house, or at a But or Bank of earth in a place convenient, shal forfeite for every shoot ten pound to the King and Informer, 33 H. 8. 6.

And if any person under the degree of a Lord of the Parliament, shal shoot in a Hand-gunne in a City or Towne at any mark upon a Church, House, or Dove Coat, shall forfeite ten pound, and be imprisoned for three monthes, 2. *Edw.* 6. 14. & *Poulton* 4.

*The master commanding the Servant to shoot,*

4. If a Master command his Servant to shoot otherwise then is aforesaid

said, he shal forfeit ten pounds.

The King must commence his suite within a year after, and every other person within a year after the offence was committed, for any penalty or forfeiture given them by the Stat. 33 H. 8. 6. & P. 5. *Nota.*

5. Every man may arrest an offender against this Statute, and carry him before the next Iustice, and such bringer shal have halfe the forfeiture, 33 H. 8. 6. & *Poult.* 6. & Just. 45. *Every man may arrest an offender*

6. Whosoever shall shoot haile shot, or more pellets than one at one time, unless he be thereto licensed, shal forfeit ten pound, and be three monthes imprisoned, 2 Ed. 6. 14. & P. 10. *Hail shot.*

See 33 Hen. 8. 6. and P. *Who may keep or shoot in guns.*

See Pheasants. *Shooting at Fowles, or hares.*

Such as are licensed to keep hawkes meat, may not shoot at other Fowle than are mentioned in their Licenses, nor otherwise, nor elsewhere than is allowed by the Stat. 1 Jac. 27. and *Licence to shoot at hawks*

if

if it be not contained in the said Licenses at what Fowls they shall shoot, or if any of them so licensed, shall not be bound in twenty pound not to shoot at any other Fowle, then the said Licenses or Placats to be void, 1 Iac. 27. 33 H. 6. & 9. & Pheasants 10. & Just. 38.

## Hawks and Hawking.

*Hawking at unseasonable times*

1. WHosoever shall hawk at, destroy or kill any Pheasant or Partridg with hawk or dog by colour of hawking, between the first of July, and the last of August, and the same be proved by the parties confession, or by two sufficient witnesses upon oath before two or more Justices of the peace within six months after the offence committed, shall be imprisoned for a month without bayle, unlesse he forthwith pay to the use of the poore there 40 s. for every such hawking at a Pheasant or Partridg, and 5 l. for every Pheasant or Partridg. 7 Iac. ii.

*Hawking in Corn.*

2. WHosoever shall hawk, or with Spannels hunt where any corn or cod-

ded Corn shal be standing and not shocked or copped, shall forfeit to the owner of the same Corn 40 l. 33 El. 10. & 2. Pheasants 4.

3. VVhosoever shal unlawfully take away any hawk, or the egges of any hawke out of the woods or grounds of any other person, shal pay to the party grieved treble damages, suffer three months imprisonment, and be bound with sufficient sureties to the good behaviour for seven years after, or else to remain still in prison, and the party grieved may take his further remedy for his loss and damages, and may release the good behaviour before the seven years be expired, 5 Eliz. 21. & P. 1. & 3. Just. 34. & 11. H. 7. 17. *Taking Hawks or their egges out of anothers ground.*

4. VVhosoever shall take any Eiret, Falkon, Goshawk, Laner, or Lanaret, or purposely drive them out of their coverts or kil them, shal forfeit ten pound to king and informer. *Take or fear hawks*

And whosoever shal bear any Hawk of the breed of England called a Nesle-Goshawk, Tassel-Lanner, or Lannaret, shal forfeit the same to the king, 11 H. 7. 17. & P. 4, 5. & Just. 39. *Bearing of English hawks.*

5. VVhosoever shal finde a hawke that was lost, and shal not forthwith bring her to the Sheriffe of the County *Concealing of hawks lost.*

to

to be proclaimed, but doth steale it, or carry it away, or conceale it, he shall be used as a Felon for stealing a Horse, 34 Edw. 3. 22. 37 Edw. 3. 19. & P. 2.

## Herons.

*Taking herons.*

WHosoever shall take any Heron (out of his own ground) by craft or engine, except it be by hawking or long Bow, shall forfeit for every heron six shillings eight pence: and whosoever shall take young Herons out of the nest without license of the owner of the ground, shall forfeit for every Heron 10.s. to the King and Informer, 19 H. 7. 11. and P. 1. and Just. 35.

See Pheasants.

*Shooting at herons with gun or bow*

## Highwayes.

IF the Constables and Churchwardens of any Parish, shall not yearly in Easter week chuse Surveyors for mending the Highwayes, and appoint six dayes for that purpose, according to the Statute, they shall be fined. 2, & 3. P. & M. 8. 29 *Eliz.* 5. & P. 2.

*By whom, and when Surveyors shal be choſen, six dayes.*

2. If any Surveyor refuse to take upon him the Execution of the said office, he shall forfeit twenty shillings, *Ibid.*

*Surveyor, refuſing his office.*

3. If any person having a Plowland in Tillage, or pasture, keeping a draught or plough, and shall not finde one waine or Cart furnished to worke eight hours every of the said dayes, he shall forfeite for every of the said draughts making default, ten shillings, *Ibid.*

*The charge of a plowland.*

4. A Plow-land is so much as one can plow in a year, *Dalt.* fol. 53. *&c.*

*What is a plowland.*

5. If any of the carriages of the parish shall not be thought needful by the Surveyors to be occupied upon any of the said dayes, then such person as should have sent carriage shal send for every such carriage so spared, two able men to labour for that day, upon paine to forfeit for every man not sent 12. d.

*Two men instead of a carriage.*

1. &

2. & 3. P. & M. 8. 5 *Eliz.* 13. 29 Ed. 5 & P. 3.

Cottager. 4. If any housholder, Cottager, or Labourer having no Plough or draught shall not by himself or some other work eight hours of the said six dayes in the highwayes, he shal forfeit for every default 13. d. *Ibid.* & P. 4.

5 Surveyors may by their discretion take other mens rubbish, stones, and gravel upon their grounds for amending the highwaies, but must stop the pits again within one month after such digging, upon pain to forfeit to the owner 5. Marks, 5 *El.* 13. 29 *El* 5. & P. 5.

6. Surveyors may also turn a water course being noy ome to the highwayes into any mans ground adjoyning, *Ibid.* & P. 6.

7. If the hayes, fences, dikes, or hedges neer adjoyning to any highway, shall not be diked, scoured, repaired, and kept low, and all trees and bushes growing in the same cut down, the owners shall pay for every default ten shillings, 5 El. 13. 18. El. 10. & P. 7.

8. If any Surveyor shall not within one month next after any offence done against the meaning of these Statutes present the said offence to the next Justice of peace, he shal forfeit for every offence

fence not presented 40 l. And the same
Justice not certifying it at the next Ses-
sions, 5 El. 13. 29 El. 5. & P. 8.

2. If any offender shall obstinately
refuse to pay his forfeitures &c. within
10. dayes after lawfull demand, he shal
forfeit double the sum he should have
payed, *Ibid.* & P. 9.

10. If any person being assessed in
subsidie to 5 l. in goods, or 40 s. in lands,
shall not find two able men to yearly
labour in the highwayes, he shal be
fined, 18. El. 10. & P. 12.

11. Whosoever shall occupy a plow-
land in tillage or pasture lying in seve-
ral parishes, shall be chargeable to the
making of the wayes in the parish where
he dwelleth, 18 El. 10. & P. 13.

12. Whosoever shall keep in his
hands several ploughlands in severall
parishes, shal be charged with the repai-
ring of the highwayes within the seve-
ral parishes where the said lands lie,
18. El. 10. & P. 14.

13. Every person that shall occupy
any lands adjoyning to and highways
where any ditching or scouring ought
to be, shal ditch and scour in his ground
whereby to convey the water out of
the highway, upon pain to forfeite for
every

every rod not so done 12. d. 12 Eliz. & P. 15.

*Casting soyle into the highway.*

14. Whosoever shall occupy any l adjoyning to any highway leading any Market town, and shall cast or the scouring of any ditch into the hi way, and shall suffer it to lye there the space of six monthes to the ann ance of the highways shall forfeite every load 12. d. 18 Eliz. 10. & P. 16.

*Sluces to convey the water into the ditch.*

Where any soyle hath been so into the highway, that there is a b betweeen the said Highway and Ditch, the Surveyors and workm may make Sluces to convey the wa into the ditch, *Ibid.*

*How and by whom the said penalties shal be levyed. and imployed.*

See 2. & 3. P. & M. 8. 18. El. 19. P. 10, 11. & 17.

*The wayes shal be 200 foot broad.*

15. If any Lord of the soyle shal enlarge the highwayes from Market Market, so that no dike bush, or T (except great) be within two hundr foot of each side thereof, for the bett preventing of Robberies and Murther he shall answer for any Felony d therein, and for Murther shall be fin at the kings pleasure, Stat. Winche 13 Ed. 1. 5. and P. 18.

*Bridges.*

18. A remedy where it is not know wh

ho ought to make or repair Bridges.
a H. 8. 8. 5. 1. 2. & 3. 4. & 5. and
8. 70.

If a man of his owne accord shall
ake or mend a Bridge, this shall no
nde him at any other time; yet if he
d his ancestors, or any Corporation, *Nota.*
ve done it time out of mind, although
t of right, yet such continuance shall
nd them and their heirs or successors
*Dalt.* fol. 34.

If a man make a Bridge for easement *Nota.*
his Mill, and that decayeth, the party
any other shall be charged to repair
, for it is no common passage, *Dalt.*
l. 34.

Such as are chargeable to repair
idges, may enter upon any other
ans Land or soyle adjoyning, and
y lay their stone, lime, timber, or *Nota.*
her necessaries for the repairing ther-
, and the owner of the lands shal have
o action against them therefore, be-
use it is for the common good, Dalt.
l. 34.

Horses

## Horses.

THe Justices of peace in their qua-
ter sessions may enquire of, hea
and determine all defaults a
offences done contrary to the Statut
32 H. 8. 13. & 33 H. 8. 5. concerning
keeping and breeding of Horses, sea
3, 4, 5, 6, 7, 8, 9, 10, 11, 12. & Just. 47,

*Horse-stealers.* Horse stealers, nor their accessar
before nor after shal not have their cle
gy, 3 Ed. 6. 33. 3 El. 12. & P. Clergy

## Concerning stealing
## Horses See faires &c.

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## Huy and Cry:

*Huy and Cry must be made.* I. ALL Huy and Cry ought to
made from town to town, a
from countrey to countrey, an
by horsemen and footmen, otherwise

is no lawfull purſuit, 27. *El.* 13. & p. i. 9.

2. VVhoſoever ſhal raiſe Huy and Cry without cauſe, or being raiſed upon good cauſe, ſhal refuſe to purſue and arreſt Felons, or ſuch as have dangerouſly hurt any man, ſhall be fined at the Kings pleaſure. 3. *Ed.* i. 9. & P. i.

2. Huy and Cry ſhall be levied againſt him that will not obey the VVatch in the night.

VVhat the party robbed ought to do which will take any benefit by vertue of the Stat. of Huy and Cry, 27 *El.* 13. & *P.* 8. 10.

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## Hunters and Hunting.

*Hunting Conies in the night in any Park or VVarren.*

1. VVHoſoever ſhal in the night unlawfully enter, &c. and hunt, take, or kil any Conies ſhall ſuffer three monthes impriſonment, pay to the party grieved treble damage and coſt, and be bound with ſureties to be of good behaviour ſeven years after, 3 *Iac.* 13. & P. Forreſts 9. ii.

2. VVhoſoever ſhall by night or day unlawfully enter into any Parke impaled, or other ſeverall grounds incloſed

for the keeping of Deer, and there unlawfull hunt, drive, or chase out, or take, kill, or slay any Deer against the will of the owner or occupier of the same, shall suffer three monthes imprisonment, pay to the party grieved ten pound, or treble damages and costs at his election. 7 *Iac.* 13.

*Quære!* Quære if he shall not be also bound to the good behaviour for seven years after, according to the Stat. 3 *Iac.* 13.

*Hunting in the night disguised.* 3. To hunt in the night in any Forrest, Park, or VVarren, with Vizors, or other disguisements, and to conceal the same, or any offender upon examination before a Iustice of the Peace, or to disobey any arrest for such hunting, or to make rescues thereupon, is Felony; but to confesse the truth is against the King; but trespasse tynable by the Iustices at the next Sessions; 1 *Hen.* 7. 7. & *Poult.* 4. & Iust. 16.

*Felony.*

—. VVhosoever committeth trespass in Parks, shall make great amends to the party, be three years imprisoned, and bound with sureties not to commit the like offence, and be also fined at the Kings pleasure, *VVestm.* i. 3. *Ed.* i. 21. & P. Forrests. 3.

*Trespass in Parks.*

3. VVhosoever having no Park, &c. shall keep, or cause to be kept any Deer Hayes, or Buckstalls, shall forfeite for every month, tenne pound to any that will

*Buckstalls.*

will ſue for it by action of debt, &c.

The like penalty for every time for any that ſhall ſtalke, or cauſe others to ſtalke with buſhes or beaſts at any Deer without the licenſe of the owner. 19. *Hen.* 7. 11. & *Poulton* 2, & 3. & Iuſt. 35.

*Keeping of greyhounds ſetting dog or Nets.*

8. VVhoſoever ſhall have or keep any grayhound for coursing of Deer or Hare, or ſetting Dogge or Net to take Pheaſants or Partridges, unleſs he have inheritance of ten pound *per annum*, Freehold of three pound *per annum*, or is worth in goods two hundred pound, or be the ſonne of a Knight, &c. or ſon and heire of an Eſquire, &c. ſhall be three monthes impriſoned, unleſſe he forthwith pay to the uſe of the poor there 40. ſ. i Iac. 27. and P. Pheaſants, 7.

*None ſhall hunt but he that hath ſufficient living.*

If any Artifycer, Labourer, or other Layman not having Lands or Tenements of 40. ſ. *per annum*, or any Spirituall perſon, not having Living worth 10. l. *per annum*, ſhall have or keep any Grayhound, Hound, or other, Dog to hunt, or ſhall uſe Ferrets, Hays, Nets, Harepipes, Cords, or other engines to take or deſtroy Deer, Hares, Conies, or other Gentlemens Games, he ſhall be impriſoned by the ſpace of a yeare, 13. *R.* 2. 13. & P. 1. and Iuſt. 36.

*Note.*

And if any perſon not having Lands, &c. of the cleare yearly value of 40. l.

or not worth in goods 200. l. shal shoot with gun or bow at Deer, or Conies or shal keep any buckstals or engins, hayes, gate-nets, purse-nets, ferrets, or coniedogs (except Keepers, VVarrenners, and owners of Parks, and can make 40. s. *per annum* of the increase of Conies) every man having 100. l. *per annum*, may seize and take, and keep to his own use for ever, such Guns, Bows, buckstalls, &c. 3. *Iac.* 13. & P. Forests ic.

*Killing deer or hare.* See Pheasants, 6.

*Tracing or shooting at Hares.* See Pheasants, 3.

*Hunting in Corn.* See Hawking in Corn, 2.

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## Husbandry and Tillage,

SEE 39 El. 1 & 2 P. 1, &c. & Iustice 44.

VVhosoever shall offend against the said Statute, shall forfeit 20. l. for every Acre of land converted from Pasture to tillage, whereof one third part to the Kings owne ule, one other third part

part to the King, for relief of the poore of the Parish, and one other third part to any that will sue for it; 39 *El.* 2. & *P.* 24.

Note, that no offender shall be impeached or sued by vertue of this Act, unless such suit be commenced within two yeers after the offence done, *ibid.* & *P.* 26. *Within what time the offenders shall be sued.*

## Indictments, and Presentments.

1. ALL Indictments and Presentments ought to containe certainty, and therfore most commonly five principal things be requisite in Presentments before the Iustices of the Peace.

1. The Name, Sirname, addition of the party indicted.

2. The yeer, day, and place in which the offence was done.

3. The name of the person, to whom the offence was done.

4. The name and value of the things in which the offence was committed.

5. The manner of the fact, & the nature of the offence, as the manner of the Treason, Murder, Felony, Trespas, *vid. Iam. fol.* 487.

VVhat words not necessary in Indictments, See 37. *H.* 8.8. & P.1.

Proces against Inditers in another County, 5 *Ed.* 3. 14.& *P.* 5.

Indictments of persons dwelling in forreign Counties, 8. *H.* 6. 10. & P. 3. Proces upon Indictment of Felony, See 25. *Ed.* 3. 14.& p. 5.

VVhere Iustices of the Peace may charge one Enquest to Indict another, 3 *H.* 7.1.& *P.* Iurors 9.& Iust. 45.

By what persons and by whom impannelled all Indictments shall be made, *P.* Iurors 7.

Indictments taken before Sheriffes in their Turns shall be delivered to the Iustices of peace of the same Shire, under the pain of 40. l. 1 *Ed.* 4. 2. & *P.* Sheriffs 12.

Iustices of peace may award proces against them that be indicted in the Turn, *ibid.* & p. 13.

## Informer.

IF any Informer or Promoter shall compound or agree with any person for any offence against any penall Law, without the order or consent of some of the courts at *VVestm.* or shal willingly delay or discontinue his suit once commenced, he shal lose 10. l. and stand on the Pillory two hours, 18. *El.* 3. 5. & 27. *El.* 10.& *P.* Action popular.

In-

## Inholders.

NO Inholder, dwelling in any Market Town wherein is a common Baker that hath been Apprentice three seven years, shal within his own house make any horse-bread, nor dwelling in any other throughfaire shall make it insufficiently, and not of due Assize, upon paine to forfeit the treble value, 13. *R.* 2. 8. 32. *H.* 8. 4i. & *P.* 2. & Iust. 50.

No Inholder or Hostler shall take any thing for Litture, nor excessively for Hay, nor above a halfe penny in a bushell for Oates above the common price in the Market, upon pain to forfeit the quadruple value of that, which he shall take more, 13. *R.* 2. 8. 4 *H.* 4. 25. & *P.* 1. and Iust. 50.

Inholder keeping misorder, see Alehouses i. *&c.*

## Intolements

ALL Deeds to be inrolled must be inrolled within six month after

the date reckoning 28. days to every moneth, and must be indented *Revera*. And if it have no date, then within the six monthes after the delivery, and if it be inrolled the last day of the six monthes it is good, and any one Iustice of the Peace may; joyn with the Clerk of the peace, in taking the inrolement of an Indenture of bargaine and sale of Lands, &c. lying in the County where he is Iustice, 27 H. 8. 16. & P. 1.

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## Jurors, Juries, and Enquests

*Juror taking reward to give his verdict.*

1. IF any Iuror in an enquest shal take any thing to make his presentment favourable, he shall forfeit *decies tantum*, & if he have not so much, he shall be one yeare imprisoned, 34 Ed. 3. 8. 38 Ed. 3. 12. & P. 4.

*No juror returned without his addition.*

2. If a Iuror be returned without an addition by which he may be known, the party that returned him shall lose 5. Marks to the King, and as much to the party grieved.

*Gathering issues not due.*

The like penalty for gathering issues when they are not due, 27. El. & P. 33. 3.

See more concerning Iurors, P. 1. 8. &c 3. Iurors

3. Iurors to enquire of forcible entry, ought to have Lands or Tenements of the clear yearly value of 40. s. 8 H. 6. 9. & P. 12. *The sufficiency of jurors, to enquire of forcible entry.*

4. Iurors returned to enquire of a Riot, Rout, or unlawfull Assembly, must have Lands in that County of 20. s. *per annum*, of Freehold, or 26. s. 8. d. of Coppyhould, *ultra repriſas* upon every of which, the Sheriff ought to return 20. s. in Iſſues for the fyrſt day, and 40. s. at the ſecond day, 19. H. 7. 13. & P. Riots 14. *Sufficiency of jurors to enquire of a Riot, Rout, &c.*

But if it be upon a Commiſſion, then the Iurors ought to have 10. l. *per annum* at leaſt, *ibid m. & P 6.* *Nota.*

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## Labourers.

1. IF any Clothier, Taylor, Shoomaker, Tanner, Baker, Miller, &c. ſhall retain any ſervant to work in his Science or Art for leſs than a year, the Retainer ſhal be void, 5 E. 4. & P. 1. *What perſons ſhall not be retained under a yeer.*

2. VVho are compellable to work in Handy-crafts and Husbandry, *ibid. & ſe ve.* P. 2. 3. *Refuſing to*

3. VVho are compellable to work in Harveſt, P. 13.

*Taking or giving wages contrary to the Statute.*

4. If any person shall give any wages contrary to the rates of wages, of servants and Labourers appointed, and proclaimed, he shall be imprisoned 10. dayes without bayle, and forfeit 5. l. and every person taking such wages and being thereof convicted, shall be imprisoned 21. dayes without bayle, 5 *El.* 4. & *P.* 4.

How the wages shall be rated, See *P.* Iust. 66.

*Putting away a servant.*

5. If any person shall put away his servant before the end of the terme without a reasonable cause allowed by a Iustice of the Peace, or at the end of his term without a quarters warning before given, he shall forfeit 40. l. 5 *El.* 4. & *P.* 5.

*The Servant departing from his master.*

And if any servant shall depart without such cause before the end of his term, or at the end thereof, without such warning given before two lawfull witnesses, he shall be imprisoned without bayle, till he be bound to the party to serve and continue with him, *ibidem* & *P.* 6.

*Servants shal not depart into other towns without testimoniall.*

6. If any person retained in husbandry, or other the Arts, before mentioned, shall after his retaine expired, depart out of one Country, City, Town, or Parish, to another without a Testimonial declaring his lawful departure, he shall be imprisoned till he procure such Testimoniall, which if he cannot

do within 21. dayes after the fyrst day of his imprisonment, then he shal be whipped, and used as a Vaggabond *ibidem*, & P. 7.

And every person which shal retain any such servant without shewing such Testimoniall, shall forfeit for every such offence, 5 l. 5 *El.* 4. & P 8. *No servant shall be relieved without shewing his testimoniall.*

And if any such persons shall be taken with a counterfeit or forged Testimoniall, he shal be whipped as a Vaggabod, *P.* 8. *Counterfeit testimonial.*

7. How long workmen shall continue at their Labour, 5. *El.* 4. & *P.* 9. *Nota.*

8. If any shall undertake work by the great, and shall unlawfully depart before it be fynished, he shall forfeite 5 l. to the party from whom he shall so depart, and be imprisoned a month, 5. *El.* 4. P. & 10. *Undertaking work and not finishing it.*

9. If any Servant, VVorkman, or Labourer, wilfully, and maliciously make any assault or affray upon his Master or Dame, or other person, having the Charge of such workers or work, hee shall suffer one years imprisonment, or dess, at the discretion of the Iustices, and such further punishment as they shall think fit, not extending to life or limb. 5 *Ric.* 2. & P. 12.

10. VVomen of the age of 12. yeares and under 40. and unmaried, may be compelled to serve, 5 *Eliz.* 4. and P. 14. *VVomen compelled to serve.*

*Servants imbezelling their Masters goods*

11. Servants of the age of 18. yeares, and not being an Apprentice, going away with, or converting to his owne use any Money, Iewels, Plate, Good, or Chattels of his Masters or Mistris, and of his or her delivery to keep, of the value of 40.s. to the intent to steale the same, is Felony, 21 H.8. 7.5. *El.* 10. & P. Stealing 1.

## Labourers Servants, and Apprentices.

*Taking Apprentices contrary to the Statute.*

12. VVhosoever shal take an Apprentice contrary to the Law, shall forfeit for every Apprentice 10.l. 5 *El.* 4. & *Poulton* 2.6.

*None shall occupy any craft, but which he hath bin an apprentice.*

13. VVhosoever shall exercise any art or manuall occupation used, 5 *El.* not being brought up therein, as an Apprentice seaven years, or shall let any to work in it, which is not a workman, or Iourney-man by the year, or hath served as an Apprentice 7. years, shall forfeit for every month 40.s. 5 *El.* 4. & P. 20.

*A remedy for an apprentice misused by his Master.*

14. If any disagreement shall be between a Master and his Apprentice, which cannot be reconciled by a Iustice,

ſtice of the peace, &c. for want of conformity in the ſaid Maſter: then the ſaid Iuſtice ſhall take bond of the Maſter to appear at the next Seſſions, and upon his appearance and hearing of the matter, the Iuſtices there, or four of them at the leaſt, whereof one to be of the *quorum*, may diſcharge the ſaid Apprentice by writing uuder their hands and ſeals, or puniſh him, as by their diſcretions ſhal be thought meet, 5. *El.* 4. & *P.* 25.

An Apprentice cannot be diſcharged, unleſs by writing. *Nota.*

How and by whom any money given to any Town, for binding out Apprentices, ſhall be imployed, ſee 8 *Iac.* 3.

Servants departing into another ſhire, *vide P.* 28. *Nota.*

Labourers or Workmen conſpiring for the order of their work, ſee Artificers.

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## Larceny.

## Larceny & petty Larceny.

*Larceny.* WHosoever shall feloniously take the Goods of another exceeding the value of 12. d. removed from the body or person, it is Larceny, and punishable by death, except he be saved by his book.

*Petty Larceny.* But if the thing stolne be under the value of 12. d. it is petty Larceny, and not punishable by death, but he shall forfeit his goods and chattels.

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## Leather, Tanner, Currier.

*Who may be a tanner.* SEE 1 *Iac.* 2. and P. 4.

*A Tanner shall not be a cutter of Leather.* A Tanner shall not use any other Trade, cutting or working Leather, *simul & semul* upon paine to forfeit the hides and skins, 1 *Iac.* 22. *Poulton* 5.

*How hides shall be used in vanting.* See 1 *Iac.* 22. & P. 9.

Who

3. VVho may buy rough hides or Calves skins, or tanned Leather not wrought, *ibidem* & P. 6. & 8.

4. If a Tanner shall raise his hides, with any mixtures contrary to the Statute, he shal forfeit the same hides; *Iac.* & P. 10.

5. VVhosoever shall put to sale, or depart with any untanned Leather red and unwrought, but in open Faire or Market in the place thereof prepared, unlesse it hath been fyrst lawfully searched, and sealed according to the Stat. or shall offer to put to sale any Leather before it be searched and sealed according to the Stat. shall forfeit for every Hide or peece of Leather 6. s. 8. d. and for every dozen of Calves skins or sheep skins 3. s. 4. d. and the Hides or Skins, or the the value of them, 1 *Iac.* 22. & P. 11.

6. Shall be forfeited *ibid* and *Poulton.*

7. VVhosoever shall set his Fats in Tanne-hills or other places where the woozes or leather put therein shall or may take any unkind heate, or shall take and put any leather into any hot or warm woozes, shall forfeite for every offence ten pound, & stand on the

Pillory

pillory three Market days, *ibid.* & P. 13. and 45.

8. If any Currier shall curry any Leather, contrary to the Stat. 1 *Iac.* 22. or shal spoile or hurt anie Leather, by scalding, shaving, or gashing it, hee shall lose for each skin marred a Noble, (except gashing) and for gashing double so much as the Leather is impared; 1 *Iac.* 22. & *Poulton* 17. & 45.

*Curriers.*

9. No Currier shall bee a Tanner, Cordwainer, Shoomaker, Butcher, or other Artificer, cutting Leather, *simul & semel*, upon paine to forfeit three shillings eight pence for every skin, 1 *Ia.* 22. and P. 20.

*A Currier shall not use any other trade cutting leather.*

10. If a Currier shall refuse to curry within eight dayes in Summer, and sixteen in winter, any Leather brought to him by any cutter of Leather, or his Servant, bringing with him good stuff for liquoring the same, hee shall forfeit for every hide 10 s. 1 *Iac.* 22. & *Poulton* 21.

*Within what time leather shal be curried.*

11. If a Lord of a Fair or Market shall not yeerly appoint and sweare Searchers, Sealers, Triers of Leather, according to the Stat. hee shall forfeit for every default five pound, and if the persons so elected and appointed shall not forthwith do their duties, they shall also forfeit five pound for every default

*The penalty for not appointing Searchers.*

1 *Iac.*22. & P.22. *vide Poulton* 25.

12. If any Searcher or Sealer of Leather, shall refuse with speed to seal: good Leather, he shall forfeit for every offence 40.s. Or if he shall take any bribe, or exact any undue fees, he shall forfeit for every offence 20. pound, or if he shall refuse to execute the said office, he shal forfeit 10. l. 1 *Iac.* 22. & P.31. *A Searcher omitting his duty, or taking bribes. Denying of the office.*

13. Whosoever shall deny or withstand any such Searchers, he shal forfeit for every time, 5 l. *ibid.* and P. 36. *Denying of Search.*

14. Whosoever shal put away any tanned Leather red and unwrought, without registring the same, and the price, shal forfeit the value of the Leather; 1 *Iac.*22. & P.36. *Selling leather not registred.*

15. Whosoever shall buy any tanned Leather, before it be searched and sealed, or carry it out of any Market, or Fair, before it be registred, shall forfeit the Leather, or the value, 1 *Iac.* 22. & P. 37. *Buying leather not sealed or registred.*

16. If any Shoomaker shall make any Boots, Shooes, &c. contrary to the Statute: Or shall shew, to the intent, to put to sale any Shooes, Boots, &c. upon the Sunday, shall forfeit for every pair 3 s. 4 d. and the true value of the same, 1 *Iac.*22. and P.23. *Shoomaker.*

See 1 *Iac.* 22 & P. 41, & 45. Forfeited Leather shall not be sold to him that

that will sell it, *ibid.* & *Poulton* 42.

## Liveries and Retainers.

IF any person by himself or other for him shall give any Livery of Sign or Company, or Badg, or retain any man other then his houshould, servant, Officer, or learned man in the Law, he shall lose 5. l. and the retained as much for every month that he is so retained. 8 *Ed.* 4. 2. & *P.* 5.

## Mayme.

*Mayme.* WHosoever shall mayme another of any Member, whereby he is less able to fight, as by putting out his eye, striking off his hand, finger, or foot, beating out his fore-teeth, or breaking his scull, shall be grievously fyned, *Lamb.* 429.

Main-

# Maintenance, Champerty. Embracery.

SEE Riots.

*Maintenance inquiry of riots, Routs, &c.*

See P. forcible entry 6.

*Forcible entries by maintenance.*

2. Whosoever shal unlawfully maintaine, or cause, or procure any unlawful Maintenance in any Action, Suit, Demand, or Complaint in any of the Kings Courts, *&c.* or shall unlawfully retaine for Maintenance of any Suit or Plea, any person or persons, or imbrace any Freeholders or Iurors, or suborn any witnes by letters or otherwise, for to maintaine any matter or cause, to the disturbance or hindrance of Iustice, or to the procurement or occasion of any manner of perjury by false verdict, *&c.* shall forfeit for every offence 10. *l.* 32. *H.* 8. 9. *&* *P.* 4.

*Maintenance of suits.*

*Note.*

But note that the Suite must then be commenced within a yeare after the offence.

*Champertors.*

3. Champertor is he which moveth pleas and suits, or causeth or procureth them to be moved at his own Costs, to the end to have part of the Land, or other

ther thin in variance, and he that thereof attainted, shall bee three yeeres imprisoned, and further punished at the Kings pleasure, 33 *Ed.* 1. & P. 5.

*Embracers:* 4. Embracer is he which cometh to the Bar with the party, and speaketh in the matter, and is there to surround the Jury. P. And he shall be punished as a Juror, which taketh reward to give his verdict.

See Jurors, and P. Jurors, 56.

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## Man-Slaughter, & Murder

Manslaughter may be { By Chance-medley, or misadventure.

*Chance-medley.* Chancemedley, is when men meet by meer Chance, and upon some unlooked for occasion, without any former malice, and one of them is slaine.

*Se defendendo.* *Se Defendendo* is when one killeth another in the necessity of his owne defence, and cannot otherwise escape with his life from him. But then he must fly so far as he may, and till he be letten by some wall, hedge, ditch, presse of people, or other impediment, whe-

notwithstanding shall bee committed till the time of his tryal, and shall lose his goods, and seek his pardon.

Note the case of *Darnel* and *Brouster*, at Hertford Assizes, 1619. *Nota.*

Misadventure is when a man is doing of a lawful act without evil intent, and another man is slaine unawares thereby: As if a Labourer do work with an Ax, and in fetching of his blow, the head of the Ax flyeth off, and killeth one standing by, &c.

Note, that hee which is acquitted of Murther, or Manslaughter at the Kings suit, must be remitted to prison, or let to mainprize, till the yeer and day be passed, and the party grieved may in the mean time commence his Appeale, 3 *H.*7.1. & *P.*4. *Nota.*

Murder shall bee intended of them which bee feloniously slaine, and not where an act is done by misfortune. *Marlb.*52 *H.*3.26 & *P.*6. *Murder.*

Whosoever shall commit any wilfull murder, or wilful poysoning of malice prepensed, shall suffer death, and not have Clergie, 1 *Ed.*6.12. & *P.*5. *Poisoning.*

In case of poysoning, the party must dye thereof within a yeer and a day after, *Dolton* 213.

Whosoever shall stab or thrust another that hath not then any weapon drawne, nor first strucken, the party so stabbing, or thrusting, so as the party *Stabbing.*

stabbed

ſtabbed or thruſt do die thereof with
ſix months after, ſhall ſuffer death,
not have Clergy, 1 *Iac.* 8, and P.

## Malt.

*Malt to be three weeks in the whole time of making.*

HOw long Malt ought to be in the Fat-floore, ſteeping and drying. And whoſoever ſhall do contrary thereto, and be thereof convicted by the preſentment of 12. men, or two ſufficient witneſſes, ſhall forfeit for every quarter 2. l. 2 *Ed.* 6. 10. & P.

Such as mingle good Malt with bad to ſell, ſhall forfeit to the King and the for every quarter ſo put to ſale 2. l. 6. 10. & P. 2.

VVhoſoever ſhall put to ſale any Malt not being well trodden, fyrſt rubbed and fanned, ſhall forfeit for every quarter 20. d. 2. *Ed.* 6. 10. & P.

*Nota.* Malt made for a mans owne proviſion is excepted out of this Statute, *ibid.* & P. 5.

And all offenders againſt this Statute muſt be ſued or preſented within one yeare after the offence, *ibidem*, & P. 5.

Who

WHosoever shall be Lawfully discharged and suppressed, touching his making of Malt, and will not accordingly forbeare, shall be three dayes imprisoned, and before his enlargment become bound in 40. l. to obey such suppressing, 39 *Eliz.* 16. & P. 6.

*The number of Malsters may be restrained.*

## Milch-Kine

WHosoever shall feed above a 120. shorne sheepe for the most part of the yeare upon his grounds which be severall and for Milch-Kine, and shall not for every 40. Sheep keep one Milch-Cow, and moreover for every sixcore Sheep yearly reare one Calfe during the time of keeping such Sheepe, shall forfeite to the King and Informer for every Cowe not kept, for every Moneth 20 l. and as much for every Calfe not reared, 1, & 3. *P. & M.* 3. *& Poulton* Cattle 3.

*A cow shal be kept for 60. sheep.*

*A Cow for 10. Beasts feed, & for every two kine a Calf.*

WHosoever shal feed upon his severall pasture above 20. Oxen, Rounts, Steers, Scrubbes, Heisters, Kine, and shall not for every 10. beasts keep one Milch-Cow, and for every two Kine were

weane and reare up yeerly one Calfe, (except it die) shall forfeit *ut antea*. Provided that no person shall bee compelled to keep any Kine, or reare any Calfe for such sheep, or other Beast, which he keepeth or feedeth to be spent in his house; 2 & 3 *P. & M.* 3. 13. *El.* 25. & *P. Cattles* 4.

## Mortuary.

*The day for all Mortuaries.*

IF any spirituall person, or any for him shall take Mortuary (corps present) or any thing for the same in any place where the same was not used to be given: or shall take in place where Mortuaries are used, any thing for Mortuary, where the goods of the dead are under ten Marks, or more then 3 s. 4 d. where the goods shal be of the value of ten marks, and under 30 l. or above 6 s. 8 d. where the goods shal be under 40 l. or above ten shillings, where the goods shall be above 40 l. he shall forfeit so much as he shall take over, and lose 40 s. to the party grieved. 21 *H.* 8. 6. & *P.* 1. 3. 7.

## Masons.

TO cause Masons to congregate themselves Chapmiers, is felony: And the Masons which come to such Chapiters and Congregation, shall be punished by imprisonment of their body, and make fine and ransome at the Kings pleasure, 3 H. 6. 1. & P. 1.

## Matrimony, and Bigamy

*To marry the former husband or wife living is felony.*

IF any person being married, shall marry any other, the former husband or wife, (being other then such person, whose husband or wife hath remained beyond the Seas 7. years together, or hath absented him or her selfe one from the other 7. years together within the kings realme, the one not knowing the other to be living, or that was before lawfully divorced, or whose former Marriage was void by Law, &c.) every such offence shal be Felony, 1 Iac. 11.

& P. 8.9. But he shall be allowed Clergy. P. Clergy 17.

## Ordinary:

If any Ordinary or his Scribe Register, &c. shall take greater Fees than are allowed by the Statute, 21 H. 8. for the probat of a Testament, or Letters of Administration, he shall forfeit for every offence ten pound to the King and party grieved. And moreover to the party grieved so much as he shall take contrary to this Act, 21 H 8. 5. & P. Probate of Testaments, &c. 1, 2. 3. 12.

## Parliament:

Who shall be a knight of the Parliament, with the manner of their election, See *Poulton*, 4. & 9.

The order of levying and paying of the wages of the Knights of the Parliament

ment, see P. 12. & Just. of P. 52.

## Perjury.

AGainst such as do procure wilful Perjury, see the Stat. 5 El. 9. & Poulton 1. & 6 Just. of Peace, 23.

## Petty Treason.

IF a Servant kill his Master or Mistris, or a Wife her Husband, or any Ecclesiasticall person his Prelate, it is petty Treason, and this manner of Treason doth give the forfeit of the Wages to every Lord of his owne proper Fee, 25 Ed. 3. 2. and Pl. Cor. 7.

## Pewter or Brass.

*In what place pewter ought to be sold.*

IF any Pewterer or Brasier shall sell or exchange any Brass or Pewter but onely in open Faire or Market, or in his house, unless he be desired by the buyer, he shall lose 10. l. for every default. Or if he work any hollow ware of Lay Mettal, which is not according to the Assize of Lay Mettall wrought in London, or set not his Seal or Mark upon the said Ware, he shall lose the value of the Ware, 19 H. 7. 6. 4 H. 7. P. 13. & 5. & Iust. of P. 26.

## Plague.

IF any person infected with the plague and commanded to keep house, shall (notwithstanding wilfully and contemptuously) go abroad and converse in company, having any infectious sore upon him uncured, he shall be adjudged a Felon, and suffer death, but if such person shall not have such sore found about him, then to be punished as a Vagabond according to the Stat. 39 El. 5. & further to be bound to his good

ood behaviour for a whole year, 1 Iac. 1. and P. 2.

## Playes and Games.

WHosoever shall by himself or any other, for his gain or living keepe, or maintain any common house, Alley, or place of playing at Bowles, Coytes, Glosh, Cayles, Tennice, Dice, Cards, Tables, Shove-groat, Foot-ball, or casting of the stone, or any other unlawful play or game, shal forfeit for every day 40. s. And every person using and haunting such house or place, and there playing, shal forfeit for every time 6. s. 8. d. 33 H. 9. and P. 1. 5.

*Maintenance of houses for unlawfull games.*

*Playing at unlawfull games.*

1. If any Artificer of any occupation or any Husbandman, Apprentice, Labourer, Servant at Husbandry, Iourney-man, or any Servant of Artificer, or any Marriner, Fisher-man, Water-man, and Serving-man (other then of a Nobleman, or of him that may dispend 100. l. per An. playing within the precincts of his masters house) shall play out of Christmas at any of the unlawfull Games, or in Christmas out of his

*Person prohibited to play at unlawfull games.*

Masters house or presence, he shall forfeit for every time 20. l. 33 H. 8. 9. & P. 3 & 5.

Who shall have the forfeiture, *ibidem* & P. 7. and actions popular 1.

All Actions &c. upon this Stat. must be commenced within a yeer after the offence, 33 H. 8. 9. and P. 7.

Players abusing the Name of God, forfeit 10 l. for every offence, 3 *Iac.* 21. and P. 6.

## Poore People

*Overseers of the poor.*

WHo shall be Overseers of the poore of every parish, and when, and by whom to be chosen, together with the duty of such Overseers, see 43. *El.* 2. and *Poult.* 1.

2. If any parish shall not be able to relieve their poore, then two or more Justices of the peace, whereof one to be of the *Quorum*, dwelling in, or neere the same parish, or Division where such parish is, shall and may tax any other or other parishes, or

ors of any parish within the same hundred, to pay such sum and sums as they shall think fit, according to the intent of the Law. And if the hundred be not able, then the Justices of the peace, or greater number of them, may at their several quarter Sessions, Rate any other of the parishes thereunto, as they shall think fit, 43 El. 2. and P. 3.

3. Whosoever shall refuse to contribute according as they be assessed, shall be distrained by Warrant from any two such Justices, and in default of distress shall be committed to the common Goale without bayle, till they pay the same, and the arrearages, 43 El. 2. and P. 4.

4. Such poore as will not work, being thereunto appointed by the Church wardens and Overseers, may be sent to the house of Correction by one or more Justices of the peace, 43 El. 2. and P. 4. *The punishment of those which will not work.*

5. The greater part of the Justices at their generall quarter Sessions may by the agreement of the Lord of any waste or common, set up habitations there for the poore, and place Tenements in the same, 43 El. 2. and P. 6.

6. Whosoever shall find themselves grieved with any Sesse or Taxe, or o-

ther thing done upon the said Statute 43 *El.* 2. The greater part of the Iustices at their generall quarter Sessions shal take such order therein, as to them shal be thought convenient, which shal conclude and bind all parties, 43 *El.* 2. & P. 7.

7. If the Father, Grand-father, mother, Grand-mother and Children, being of a sufficient ability, shall not relieve their poore and impotent Parents and Children, in such manner as they shall be assessed by the greater part of the Iustices at their generall quatter sessions, every of them failing therein, shal forfeit for every month 20. *l.* 43 *El.* 2. & P. 8.

8. If a Parish lie within two Counties, or part within a Liberty, and part without, the Iustices shal deale and intermeddle only with so much of the said Parish as lyeth within their limits, concerning the nomination of Overseers, &c. 43 El. 2. & P. 10.

*The forfeitures for not naming Overseers.*

9 If the Iustices of peace within their divisions shall not nominate Overseers of the poore in every parish according to the Law, every of them making default, shal forfeit for every such default 5. l. 43 El. 2. & P. 11. which shall go to the use of the poore of the same parish, and be levyed by warrant from the generall Sessions, *ibid.*

10. How the forfeitures mentioned

mentioned shall be levyed and imployed, see 43 El. 2. & P. 12.

ii. The Iustices of Peace, or the more part of them at their generall quarter Sessions next after Easter shall rate every parish to a weekly sum, not above six pence, nor under a halfe penny, nor the total sum of such taxation of the Parish, to be above the rate of two pence for every parish in the County, for reliefe of the Prisoners in the kings Beneh, Marshalsey, Hospitals and Almshouses in the County, and shall also rate the sums to be sent to every of these places, and elect a Treasurer for that purpose, and punish him that refuseth, 43 El. 2. & P. 13, 14, & 16.

If any able person threaten to run away, and leave their families behind upon the parish they shall be punished as Vagabonds, 7 *Iac.* 4. see Vagabonds.

## Preachers and Ministers of the Church.

Disturb Preacher.

WHosoever shall of purpose maliciously and contemptuously molest, or by any means hinder or misuse any Preacher lawfully authorised, in any his open Sermon, or Preaching in any Church or other place used and appointed, and his aiders, procurers, and abettors shall be three months imprisoned, and further to the next quarter Sessions, and then upon his reconciliation before them, shall be delivered out of prison upon sufficient bayle for his good behaviour to be taken by the said Justice for a whole year after. 1 M. 3. & P. 1.

2. Whosoever shall by any contemptuous words, or advisedly in any otherwise deprave, despise, or revile the blessed Sacrament of the body and blood of Christ, shall be imprisoned and fined at the Kings pleasure, 1 Ed. 6. 1. & 1 El. 1. & P. Sacrament 1. and Justices of peace 3.

3. If any Parson, Vicar, or other Minister, shall refuse to use the Common prayers, or to Minister the Sacraments according to the book of Common prayer, or wilfully standing in the same

same, shal use any other form in open prayers, or in administration of the Sacraments, or shall speak any thing in derogation of the said booke, or any part thereof, and shall be thereof lawfully convicted, shal for the first offence forfeit to the King the profit of his spiritual promotion for a year, and be six monthes imprisoned without Bayle: and for the second offence be (*ipso facto*) deprived of such promotion, and be imprisoned a year; and for the third offence to be (*ipso facto*) deprived of such promotion, & be imprisoned during his life. But if he have no such promotion, then for the first offence he shal be imprisoned a yeare without bayle, and for the second offence during his life. 1 El. 2 & 3. Sacrament 2. & 3.

4. Whosoever shall in any Play, Song, or ryme, or by any open Word speak in derogation of the said Booke, or of any thing therein contained, or shall cause, or maintaine any Parson, Vicar, or Minister to say any Common prayer, or to minister any Sacrament in other manner then after the said book or shall interrupt any Parson, Vicar, or ministers to say any open prayers, or to administer any Sacrament, according to the said booke, and shall be thereof lawfully convicted, shall forfeit to the King for the first offence 100. Marks, to

to be payed within six weekes, and in default of such payment to be imprisoned six moneths without bayle, and for the second offence 400 Marks to be payed within the said term, or to suffer imprisonment twelve moneths without bayle: and for the third offence all his goods and chattles, and be imprisoned during his life, 1 El. 2. P. Sacrament 4.

*Nota.* Such offenders shall be indicted at the next generall Sessions after the offence committed, *ibid & Poulton* 6, 7.

Also, if such offenders shall be punished by the Ordinary, and have a Testimonial thereof under his Seale they shall not be eftsoons punished by the Iustices. *Ibidem* and *Poulton* 6.

*Saying or singing Mass.* 7. Whosoever shall say or sing Mass and be thereof lawfully convicted, shal forfeit 200. Marks, and be imprisoned a year, and from thence til he pay the said forfeiture, and whosoever shal willingly hear mass, shal forfeit 100. marks and a years imprisonment, 23 El. 1. & P. Sacrament 11.

*Licences to such persons.* If any person, Vicar, &c. shall grant a Licence for eating Flesh to any person, other than such as plainly appear to have need thereof, such licence shall be void, and such Parson or Vicar shall forfeit for every such License

other

herwise granted five markes, 5 El. 5.
P. Fish-dayes 3.

If any Parson, Vicar, or Curat shall take above 4. d. for entring into the Church Book the Licence of a sick person to eat flesh upon fish dayes, it is extortion, 5 El. 5. & P. Fish dayes 3.

If any parson, &c. shall take above two pence for Registring a Testimonial of any Servant departing from one place to another, it is extortion, 5 El. 4. & P. Labourers 7.

If the minister of every parish shall not keepe a Register-booke and there enter the substance of every Testimonial made for Rogues whipped within his parish, he shal forfeit for every default 5. s. 3. 9. El. 4. and P. Vagabonds 3.

The duty of parsons, &c. in binding out Apprentices, and in imploying of the money given to such uses, 7 Iac. 3

## Prison and Prisoners.

*Goalers hastning their prisoners straitly*

IF any keeper of prison, or under-keeper shal by dares or pain compel any his prisoners to become an approver against his will, he shal be adjudged a Felon, 3 Ed. 3. 10. & P. 2.

Whosoever having authority of keeping of Goale, or of prisoners for felony shall

shall certifie the names of every prisoner in his keeping, and of every person to him committed for any such cause at the next generall Goale delivery in every County or Franchise where any such Goale is, upon paine to forfeit to the King for every default, 5 l. 3 H. 3. & R. 3.

*Reliefe of prisoners.*

3. The most part of the Justices of peace of every shire may at their generall quarter Sessions rate and tax every parish within the said shire at such reasonable summes of money for and towards the reliefe of prisoners in the common Goal of the County aforesaid, as they shall think convenient by their discretions, so that the said taxation do not exceed above six pence or eight pence by the week out of every parish, 14 El. 5. & P. 4.

Reliefe of Prisoners in the Marshalsey and Kings Bench, *vide* P. 11.

*Breaking prison.*

4. Breaking of prison by one being in there for felony, or by any one Arrest for Felony, as well out of the prison as within is Felony, 1 Ed. 2. P. 5.

*Escape, rescues.*

5. If any Sheriffe or Bailife shall willingly suffer any Prisoner for felony to escape, or if any shall rescue such a Prisoner it is Felony, *vide* Dalt. fol. 238, 239.

6. A Prisoner shall be conveyed

the Goale at his owne charge, if he have ability, if not, the parish shall be charged, 3 Iac. 10. & P. 7, & 8.

A prisoners goods shall not be seised till he be attainted, P. Sheriffes 14.

Removing of prisoners, see removing.

9. No Iustice nor Iustices shall let to bayle any persons forbidden to be bailed by the Statute 3 Edw. 1. upon paine to be fined by Iustices of Goale-delivery, 1. & 2. P. & M. p. Iustices of peace, 106 *Bailement of prisoners*

8. No prisoner which before was outlawed, nor he which hath abjured, nor any approver, nor he which is taken with the manner, nor he that hath broken prison, nor a Theefe openly defamed and known, nor he which is appealed by an approver, so long as the approver liveth, except he be of good fame; nor he which is taken for burning of a house feloniously, or for false money, or for counterfeiting the Kings Seale, nor any excommunicate person taken at the bishops request, nor hee which is taken for a manifest offence, or for treason touching the King, 3 Edw. 1. 15. nor he which shall confess a Felony or Manslaughter before the Iustice upon his examination, *vide Dalt.* fol. 285. where bayle is taken away by particular statutes for misdemeanors. *Persons not baylable.*

9. That

9. Such as be indicted of Larceny by Enquests taken before Sheriffes or bayliffes by their office, or of light suspition, or for petty Larceny, that amounteth not to the value of 12. d. if they were not guilty of some Larceny before, or guilty of some receiving Felons or Theeves, or of commandment or force, or of aide in Felonies done, or guilty of some other trespasse, for which one ought not to lose life or member, and a man appealed of an approver, if he be no common Theefe nor defamed, shal be let to bayle by sufficient sureties. *Ed.* 1. 15. & *P.* mainprise, 2.

It seemeth also by *Dalton*, that persons taken upon suspition of burglary, Robbery, or Theft, if they be not of evil Fame: and also Accessaries may be let to bayle, *vide Dalton*, fol. 274.

10. Whosoever shal with-hold prisoners baileable, after they have offered sufficient baile, shall pay a grievous fine to the King; and whosoever shall take reward for the deliverance of such, shal pay double to the prisoner, and be amarced as aforesaid, *VV.* 1. 3 *Ed.* 1. 15. & *P.* mainprise 6.

One Iustice of the peace may baile a prisoner, if it be not in case of felony, or the like, or except some particular Stat. shal otherwise prescribe, Dal. fol. 33.

No person for manslaughter or felony, or suspition of either being baileable by Law, shal be let to baile or mainprise by any Justice of the peace, if it be not in open sessions; except it be by two Justices of the peace at the least present together at the same time of bailement, whereof one to be of the *quorum*, who before such prisoner be bailed, shall also take the examination of the prisoner, and information of them that bring him, of the fact, and circumstances thereof in writing, which together with the bailement they shal certifie under their hands at the next Goale deliverie, upon paine to be fined for every offence by the Justices of Goale delivery. 1 & 2. P. & M. 13. & P. Justi. 106. *Two Justices.*

## Purveyors

1. PUrveyors shall agree for the things they take; and shal shew their Commission, upon pain to lose their offices, 28 Ed. 1. 2. & 3. 1. *Taking ward, &c.*

2. If any Purveyor shall take any thing of any ma[illegible] to spare

him, and he therefore attained at the parties suite, hee shall yeeld up to the party grieved treble damages, and be two years imprisoned, 36 Ed. 3. 3. & P. 14.

*By what measure purveyors shall take.*

3. If any Purveyor shal take corn by any other measure than by the striked bushel, or by any other than eight such bushels to the quarter, or shall take carriage thereof without making ready payment, he shall forfeite to the party grieved, and be one years imprisoned, 22 Edw. 3. 14. and Pauls. 16.

4. If any Purveyor of the King shall take any thing of the value of forty shillings or under, without ready payment, he shall pay the value to the party grieved, and lose his office, 2 H. 4. 14. & P. 22.

*When purveyors shal fel timber.*

5. If any Purveyors of Timber shall fel for the Kings use any Oaken Timber tree meet to be Barked, but onely in barking time, other than Trees for building or repairing the kings houses or ships, or shall take any profit by the lops, tops, or Barke of any Trees taken by him, or shall take from the owner any more of any tree then onely the timber of the same Tree, hee shall forfeit for each &c. to the party grieved 40. f. 1 Iac. 22. & P. Leather. 24.

6. Pur-

6. Purveyor sshall not fell trees growing about a mans house, upon paine to forfeit to the party treble damages, be imprisoned a yeare, and lose his office, 25 Ed. 6. & P. 8.

To make Purveyance without warrant 28 Ed. 1. 2. 20. R. 2. 5. & P. 9. *Felony in Purveyors.*

To take more Sheep before share time then be sufficient, 25 Ed. 3. 15. & P. 9.

To make purveyance without lawful apraisement, 5 Ed. 3. 2. & P. 17.

To take more than they deliver to the Kings house, 36 Ed. 3. 4. and P. 18.

To take Purveyance in other manner than is comprised in the Commission, 36 Ed. 3. 2. & P. 19.

Note that the Iustices of the peace shall deliver the Dockers of purveyors to them delivered according to the Statute 2. & 3. P. & M. 6. & P. 28. *Nota.*

No subjects Charter shall take any thing against the owners will upon paine of imprisonment, 23 H. 6. 14. & P. 1. *Charter.*

# Rape.

*Ravish a Maid, &c.*

1. IF any shal Ravish a Maid, Widdow or VVife above ten yeares of age against her wil, though she consent after, it is felony, 13 Ed. 1. 34. & P. 1.

*Abusing children under ten yeares.*

2. If any shall carnally know and abuse a woman child under ten years of age, though she consent before, it is also Felony and without Clergy, 18 El. 6. & P. 2.

*Taking a woman against her will.*

3. If any shall take a Maid, VViddow, or VVife, having lands or goods, or being heire apparent to any, against her will unlawfully, other than it VVard or Bondman, it is felony both in him, and the procurers, Abettors and Receivers knowing the same. 3. *Hen.* 7. 1. & *Poulton*, VVomen 12.

# Recusants, Iesuites.

1. WHosoever shall willingly receive, relieve, comfort, aid or maintain any Iesuite, Seminary Priest, knowing him to be so, shall be adjudged a felon, and not have Clergy, 27 El. 2. and 1. Iesuits 3.

2. VVhosoever shal conceale his knowledg of them, and shal not within 12. dayes after such knowledg discover the same to some Iustice of peace, or other high officer, shall be fined and imprisonned at the Kings pleasure: and if such Iustice or other such Officers, shall not within 28. dayes after give information thereof to some of the kings privy Councel, he shal forfeit 200. marks, 27. El. 2. and p. 10.

3. VVhosoever shall willingly retaine and harbour any person not repairing to some Church, Chappell or usual place of Common prayer, to hear divine service, by the space of a month together, not having a reasonable excuse, other then his Father or mother, not having other sufficient maintenance, or the ward of any such person, or any person committed to the custody of any by authority, or shall retaine, or keep in service, fee, or livery, any not repairing to som church, &c. *Keeping Recusants in his house*

by

by the space of a month together shal forfeit for every month 10 l. 3 Iac. 4. & P. 51.

*Keeping Schoolemaster.*

4. Whosoever shall keep or maintain any Schoolmaster which resorteth not to the Church, nor is allowed by the bishop or Ordinary of the Diocels, he shall forfeit for every month so keeping him 10 l. And such Schoolmaster shall be imprisoned for a year, & then baile, and be disabled, &c. 23 El. 1. & P. 2.

*Abjurgation.*

5. A Recusant not conforming himself, shall abjure the Realm, and the Justices before whom such abjuration is made, shal presently record the same and certifie it to the Justices of Assise at the next Assizes after, 35 El. 1. & P. 2.

The penalty for a conformed Recusant which shal not receive the Sacrament, 23 El. 1. & P. 20.

*Popish Reliques.*

Popish Reliques shall be defaced at the generall Sessions of the peace, 3 Iac. 5. & P. 74.

The penalty of such as come not to Church every Sunday and Holyday, &c. Church 3. & P. 19.

Felony in Recusants, see *Penalties* 3.

Removing

## Removing prisoners or Records.

ALL Writs of *Habeas Corpus*, or *Certiorari*, to remove any Record or any Prisoner out of any Goale, must be signed with a Justices hand of the same County. 1. & 2. P. & M. 13. and

## Rescues.

Whosoever shall disturb or hinder by Rescues or otherwise the execution of the Statute of Rogues, or of the poor, shall forfeit for every offence 5. l. and be bound to the good behaviour, 39 El. 4. & P. Vagabonds 5.

To Rescue one for Felony is Felony Dalt. fol. 238, and 239.

Restitution

## Restitution.

*Iesuites.*

1. IF any Felon of goods, money, or chattels taken from any of the kings subjects, shall be indicted, arraigned, and found guilty thereof, or otherwise attainted, by reason of evidence given by the party robbed, or the owner of the said goods, mony or chattels, or by any other by their procurement, then shall such party or owner be restored thereunto, and the Iustices before whom such finding guilty is, shall have power to award writs of restitution thereof, 21 H. 8. ii. P. & i. *vide plus Dalton*, 185.

*Taking stoln goods again.*

2. If a man pursue and take a Felon that hath stolne his goods, and then taketh his goods again, and suffereth the Theefe to escape, he is no accessary, for he may *in initio agere civiliter* or *criminaliter* at his pleasure; *tamen quære.*

But if he took his goods againe to favour the Felon, it is Theft, but *quære* if it be not Felony *et vide* Terms of the Law, fol. 184.

If upon Huy and Crie a man do arrest a Theefe that hath stoln another mans goods, and from the said Felon do take the good, and so let him goe, this make

maketh him an accessary, if not principall, *Dalt.* 253.

## Receiving or buying stolne goods.

TO receive or buy stolne goods knowing they were stoln, maketh not an accessary, unless he receive or hide the Felon himself, *quere & vide Dalt. ibid.*

If a stranger buy such goods for a valuable consideration it is less dangerous, *ibid.*

## Riots, Routs, and unlawful Assemblies.

THE Justices of peace which dwell neerest in every County where such riot shall be, together with the Sheriffs or undersheriffs of the same County shall do execution of the Statute of Riots, within a month after every one, upon pain of 100 l. 13. *H.* 4. 7 & 8. & 5.

*The forfeitures of the Justices which do not execute this Stat.*

Note that the King shall bear their

costs sustained in the execution thereof, 2 *H.* 6. 8. & P. 10.

In Riots, Routs, and unlawfull Assemblies these circumstances are to be considered, *viz.*

1. The number of the persons assembled.

2. The intent and purpose of their meeting.

3. The lawfulness or unlawfulness of the act.

4. The manner or circumstance of doing it,

*The number which make a Riot, &c.*

To make a Riot, Rout, or unlawfull Assembly, three persons at the least must be gathered together.

*What makes an unlawfull assembly.*

If three or more shall come or assemble themselves together, to the intent to any unlawful act with force or violence against the person of another, his possessions or goods (although they after depart of their own accord without doing any, yet that is unlawfull Assembly.

*A Rout.*

If after their first meeting they shall ride, go, or move forwards towards the execution of any such Act, this is a Rout.

*A Riot.*

And if they do execute any such thing indeed, then it is a Riot.

*Arrest Riotors.*

2. If any Riot, Rout, or unlawfull Assembly be made, three or two Justices of the Peace at the least, and the Sheriff, or Undersheriffe, shall arrest the

the offenders, and record that which they shall finde done in their presence against the Law, and such offenders shall be convicted by the Record, in manner and form as it is contained in the Stat. of forcible Entries, 17 R. 2. 8. 13 H. 4. 7. & P. See forcible Entries 2.

3. If such offenders be departed before the comming of the said Justices and Sheriff, they shall diligently enquire within a month after, and the same shall hear and determin according to the Law. *Enquiry of Riots, &c.*

And if the truth cannot be found, then within a month next after they shall certifie before the King and his Councel, of the whole fact and circumstances thereof, 13 H. 4. 7. & P. 3. *Certifying of a Riot.*

Note also that if the offenders shall traverse the matter so certified, the same Certificate and Traverse shal be sent into the Kings-bench to be tryed, *ibidem.*

4. Rioters attainted of great and heynous Riots, shall have one years imprisonment, as the king and his councel shall think good, 2 H. 5. 8. and P. 10. *The punishment of Riots.*

5. Each man being able to travel shal help to represse riots, upon paine of imprisonment and fine, 2 H. 5. 8. & P. 12. *Each man shall help to represse Riots.*

*A Jury to enquire of Riots, &c.*

3. The sheriffe having a precept directed to him, shall return twenty four persons dwelling in the Shire where the Riots &c. shall be committed, whereof every of them shal have Land and Tenements, within the said shire, to the yearly value of 20. s. of Charter land of freehold, or 16. l. 8. d. of Copyhold, or of both above all charges, to enquire of the said riot, &c. and shall return upon every of them in issues, at the first day 20. s. at the second day 40. s. under the pain of 10. li. 7, 13. & P. 14.

*Maintainance whereby a Riot is not found.*

4. If by reason of Maintenance or Embracery of Jurors, a Riot, &c. is not found, the Justices and Sheriff besides such certificate that they be bound to make according to the said Statute 13 H. 4. shall in the same certificate certifie the names of the Maintainers & Embracers, with their misdemeanours, upon pain to forfeit 20. l. and imprisoned at the discretion of the Justices, 19 H. 7. 13. & P. 15.

*Valawfull assemblies.*

5. If any persons above the number of two, and under twelve, being assembled, shal intend unlawfully with force to murder or slay any man, or to cut, or cast down any inclosure or banks of any fish ponds, or to do any the deeds mentioned in the Statute hereafter named, and shall not depart upon proclamation, but shall attempt to do any

of

of these things, they shall be imprisoned a year without bayle, and pay treble damages and costs to the party grieved, 1 *M.* 12. 1 Eliz. 16. & *Poulton* 20.

9. If any person being moved to make commotion or insurrection, or rebellious assembly, shall not within twenty four hours after, disclose the same to a Justice of peace, or to a Sheriffe, or if any person shall stir, or procure any other to make such assembly, he shall lie three monthes imprisoned without bayle, unless he shall be discharged by three Justices of the peace, whereof one to be of the *quorum* of the same shire where the offence shall be committed, 1 *M.* 12. 1 Eliz. 16. & P. 14. 30. *Disclosing a commotion wherin one is moved.*

10. The raising of unlawfull assemblies to the number of twelve or forty, and not to depart within an hour, being commanded by proclamation, and also the relieving of any such persons in felony, 1 M. 12. 1 Eliz. 16. & P. 17. 18. 19. 28. 31. *Rebellious Assembly.*

## Robbery, Theft.

*Theft.* THeft is the taking away of another mans goods, with an intent to steal them against the will of the owner, and is of two sorts, Robbery and Larceny, *Dalt.* fol. 216.

*Robbery.* Robbery is the felonious taking of any thing from the person of another, or in his presence against his will, and putting in fear thereby, and for which the offender shal suffer death without Clergy, *Dalton.* fol. 217.

*Highway.* 3. Robbers in or near the highway shal not have Clergy, how much, or how little soever they take away, 1. *Ed.* 6. 12. & *P.* Clergy, 131.

*House.* Nor he which robbeth any house by day or night, any person being in the same, or thereby put in fear; nor he which robbeth any person at any part of his dwelling, the owner, his wife, children or servants sleeping or waking within the precinct thereof.

*Tent or booth.* Nor he which robbeth a Tent or Booth, in fair or Market, the owner, his wife, children, or servants being within the same

*Robbing any part of any house by day, of the value of 5.* Nor he which robbeth any dwelling house or out-house thereto used, in the day time (though no person were there-

in

ſn) of the value of five ſhillings, or a-bove.

Nor he which doth felonioufly take goods out of any Church or Chappell, ſee P. Clergy 13. *Church or Chappell.*

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## Rome.

AGainſt ſuch as maintain the Authority of the Biſhop of *ROME*, ſee 5 *El.* 1. & P. 1.

2. Againſt ſuch as give or take abſolution by any Bulls from *ROME*, or ſhall obtain or get from the ſaid biſhop any manner of bull, writing, or other inſtrument, or ſhal bring into this Realm any tokens or things called by the name of *Agnus Dei*, or any Crolles, Pictures, Beads, *&c.* and their ayders, ſee 13. *El.* 2. & P. 2, 3, 4, & 5.

3. Againſt ſuch as withdraw any from their obedience to the King, and their Ayders, ſee 32. *El.* 2. & *Poulton.* 7. & 8.

4. Againſt ſuch as extol any forraign power, *&c.* ſee 1. El. 1. & 5 El. 1. & P. Crown 2, 6, 7, 8.

5. Againſt ſuch as depart out of the Realm to ſerve any forraigne Prince,

3. *Iac.* 4. & *Poult.* Recusants 48.

## Sewers.

1. THe Just. of peace in their quarter Sessions may administer the oath to any Commissioner of Sewers according to the Stat. 23 H. 8. 5. & P. 3, & 4.

2. Six Justices of the peace, two of them being of the *quorum*, may for a whole year after expiration of a Commission of Sewers execute the laws of the Commissioners of Sewers, unless that a new Commission of Sewers be published within the year, 13 El. 9: & P. 16.

## Sheep.

*Transporting sheep.*

1. WHosoever shall bring, send, or receive into any ship or bottom any rams sheep or lambs being alive, to be conveyed

veydout of the Kings Dominions, or procure the same, shal for the first offence forfe it all his goods for ever to the king and Informer, and be imprisoned one year without bayle, and then in some open Market, in the fulnes of the Market on the Market day, have his left hand cut off, and the same to be nailed up in the open place of such Market: and for the second offence it is Felony, 8 El. 3. & P. 1, & 2, & Just. 15.

2. No person shall keep above 2000. sheep, reckoning after sixscore to the hundred, upon pain to forfeit for every sheep more 3. s. 4. d. to the king and informer, 25 H. 8. 13. & P. 3. & Just 85.

## Sheriffs.

IF a Sheriff or any of his Minisiers which by force of the Green Wax do levy the kings debts, shall not shew to the party indebted the, estreats whereby the debt is another time demanded of the same person, he shall pay to the party grieved his treble damages

*Estreats shall be shewed to the party and rested*

mages, and make fine to the King, 42. Ed. 3. 9. & P. Estreats 2. & Just. 88.

2. If any Estreats of Issues hath been gathered of any person, other then such as by vertue of the said Estreat was of right chargeable or charged therewith, the offender shal forfeit to the King five Marks, and as much to the party grieved, 27 El. 7. 39 El. 18. & P. Jurors 34. & Just. 99.

3. In every Estreats of Issues against a Juror his addition shall be put, *Ibidem.*

4. Justices appointed to oversee the Sheriffs Estreats, shall be named at the generall Sessions after the Feast of Saint *Michael* by the *Custos Retulorum*, or in his absence by the eldest of the *Quorum*. 11. *H.* 7. 5. & *P.* Sheriffs 18. & 20.

*Justices shall view the Sheriffs estreats.*

5. Sheriffes shall make no Estreats until two Justices have made the view of them, which estreats shall be indented, and the Justices have one part, 11 *H.* 7. 15. & P. 14. 18. 20.

*Indictament taken in the Sheriffs Turn shall be delivered to the Just. of Peace.*

6. Sheriffs must certifie the Indictments found in their turn or Law day to the Justices of Peace at the next Sessions of the Peace in the County, unde the pain of 40. l. 1. of Edw. 4. 2. & P. 12.

The Justices shall award Process against those which be indicted in the

the Sheriffes Turne. *Ibid.* & *Poulton* 13.

Extortion in Sheriffe, see *P.* 5, 6, &c.

## Subsidie.

IF any person that ought to be set to the Subsidy, shall by craft or covin escape tamation, and that be proved before two Justices of the peace of the County, he shall be charged double so much as he ought to have been, and be further punished at the discretion of the said Justices, 7. Iac. 22.

## Swannes.

IF any person (or other) to his use title shal have or possess any mark of game of Swans of his own, not having Freehold of five Marks *per annum* above all charges, any other subject having Lands of that value may seize

the

the ſaid Swans, as forfeited to the king and himſelf, 22 Ed. 4. 6. & P. 1.

The penalty for taking or deſtroying Swans Eggs in their neſt, ſee Pheaſants &c. & P. Hawks 3. & 11 H. 7. 17.

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## Tile-makers.

*The preparation of the earth for making tile.*

1. IF tile-makers shal not dig and caſt up their earth for Tile til after the first of *November*, or shal not ſtir and turn it til the firſt of *Febr.* following, or shal not work it before the first of *March* following, or shall not work and try it from ſtones, veins, and chalk, or shall make or put to ſale any plain Tile under ten inches and a halfe in length, ſix inches and a quarter in the breadth, and halfe an inch and halfe a quarter in thickneſs with convenient deepneſs; or any gutter tile under ten inches and a half in length, with a convenient thickneſs, breadth and deepneſs, they shall loſe the double value to the buyer, and a fine to the king, that is to ſay, for every hundred of plain tiles, five

*The length, breadth, & thickneſs of tile.*

shillings

shillings; for every hundred of rough tile six shillings eight pence, and for every hundred of corner tiles two shillings, and after that rate for more or leſser, 17 *Ed.* 4. 4. & *Poult.* 1, 2, 3.

2. If the Searchers appointed for the overſight of the true making of Tile shal not do their effectuall diligence therein, shal loſe for every default ten shillings *ibidem*, and *Poulton* 5. and Juſt. 97. *Searchers of tile.*

## Toll.

1. IF any Miller shall take exceſſive Toll, or by heaped meaſure, he shal be grievouſly punished 3 *Ed.* 1. & P. 2.

## Toll for Horſes, ſee Faires.

Tongues

## Tongues, Eyes.

1. TO cut out the Tongues, or put out the Eyes of any of the kings liege people, out of malice prepenced, is Felony. 5 *Hen.* 4. 5. & P. 1.

## Transportation.

1. THe prohibition of transporting corn, is to be made by the most part of the Justices of peace at their quarter Sessions, 13 El. 13. & 17. Corn 7.

2. Whosoever shall against proclamation, thereof made, transport or carry out of this Realm any Corn, Grain, or Mault, growing or made here; or Beere, Butter, Cheese, or Wood, in any vessels, except to *Barwick*, or the Marches thereof, without sufficient authority, or any sea-fish, or Herring not taken by a naturall borne Subject here; or shall by any means convey

willingly consent to convey any of the said things to any vessel, being on the sea, or any place or haven of this Realm to be transported over sea, or into *Scotland*, without sufficient authority; or if any person having licence to convey any of the said things, shal fraught or lade his vessel, or any part thereof, at any more places than one only, the owner of the vessel shall lose it, the owner of the victual shall lose the double value, and the Master and Mariners their goods, and have a years imprisonment, 1 & 2. *Ph.* & *M.* 5. 13. Eliz. 11. & 13, & *Poulton* Corn 1. & Iust 7.

*He that hath license to transport corn, shall lade it in one place.*

3. It is lawfull to transport Corn and Grain when the prizes be allowed reasonable until it be restrained again by the kings proclamation, 1 Iac. 25. & P. Corn 6, 7, 8.

*Lawfull to transport Corn and Beer.*

So may Beere be transported when Mault is not above sixteen shillings the quarter, 3. Jac. 11. & P. Corn 6.

Traverse

## Traverse.

1. THe liberty of Traverse is commonly restrained to indictment of Trespasses, Contempts, Riots, and other interiour offences.

2. To Traverse an Indictment, is to take Issue upon the chiefe matter thereof, which is none other to say, than to make contradiction, or to deny the point of the Indictment; As in a presentment against *A.* for a Highway overflowing with water for default of scouring a ditch, which he and they whose Estate he hath in certain land there, have used to scoure and cleanse *A.* may traverse either the matter, *viz.* that there is no Highway there, or that the ditch is sufficiently scoured, or otherwise he may traverse the cause, *viz.* that he hath not the Land, &c, or that he or they whose estate, &c. have not used to scoure the ditch, &c.

# Treason.

1. HIgh Treason called in Law *Crimen læsæ Majestatis*, is a grievous offence done or attempted against the State Royall, *viz.* against the King in his person, the Queen his Wife, his Children, Realm; or authority, &c: See more P. 1. &c. & Dalt. fol. 198. *High treason.*

Such offender shall be hanged cut down alive, and quartered, and shal forfeit all his lands and goods to the king, yea his entayled lands, and his wife shal lose her dower, & his blood shal be corrupted, saving in certain cases, *vid. Dalt.* fol. 205. *The punishment.*

In case of Premunire the offender shal forfeit all his Lands in fee for ever, and all his goods and chattels to the king, but his lands whereof he hath an estate he shall forfeit only during his life, and shal be imprisoned during his life, *ibid.* *Premunire*

Misprison is properly when one knoweth that another hath committed Treasons or Felonie, but was not consenting thereto, and conceales the offence. *Misprison.*

Such offender for Misprison of Treason, shall forfeit to the king his goods and chattels for ever, the profits of his Lands *The punishment.*

lands during his life. *Dalton* 103. For Misprison of Felony, the offender shall be onely fined, *ibid.*

*Petty treason.*

Petty Treason is when wilfull Murder is committed upon any Subject by one that is in subjection, and oweth faith, duty, and obedience to the party Murdered, *Vide* Petty Treason, fol. 82. 6.

*The punishment.*

The punishment for Petty Treason is this, the man so offending shall be drawn and hanged, the woman shall be burned alive, in case as well of petty Treason, as of high Treason, 1 *Ric.* 3. 4. But in case of Felonies, the judgment both of man and woman is to be hanged.

*The forfeitures.*

The forfeiture of Petty Treason is, the King shall have all his goods, and for his Lands the king shall have *Annum diem & vastum*, and the Eschear thereof, shall be to every Lord of his own proper fee.

Traevse

## Treaſurers:

THe Treaſurers of the Country are to be choſen at Eaſter ſeſſions by the more part of the Juſtices, and are to be ſuch as at the laſt election of the Subſidy next before the ſaid election were valued and aſſeſſed at [illegible] l. in lands yearly, or 40. l. in goods and ſhall continue but one year, and then give up their charge and account at Eaſter Seſſions, or within ten dayes after; and if any Treaſurer, his Executors, or Adminiſtrators ſhal fail to give up his account within the time aforeſaid or ſhall be otherwiſe negligent in his charge, then it ſhall be lawfull for the more part of the Juſtices in their Seſſions to aſſeſs ſuch fine upon him, his Executors, Adminiſtrators, as in their diſcretions ſhall ſeem convenient, ſo it be not under 5. l. 43 Eliz. 3. & P. Capt. 18.

2. The Treaſurer ſhall aſſeſſe relief to Souldiers or Marriners upon a lawfull Certificate, and ſhall keep a true book of computation of the mony they lent, and a Regiſter of the names of ſuch as they give relief unto. And every Treaſurer returning, or not accepting the Certificate brought unto him, ſhall write

write and subscribe the cause of his not accepting, or not allowing thereof, under the said Certificate, or in the back thereof. And if any Treasurer shall wilfully refuse to give relieſe according to this Act, the Justices in their Sessions may fine such Treasurer by their discretions, 43 El. 3. & P. Captains 19, 21, 22.

*The surplusage of the stock.*

The surplusage of the stock of the more part of the Justices in their quarter Sessions, be ordered, distributed, and bestowed upon such good and charitable uses, and in such form as are limited in the Statutes made in force concerning the relieſe of the Poor, and punishment of Rogues and Beggars 43 El. 3. and P. Captains 24. See more P. Poor people 14, 15.

How the Forfeitures shal be imployed, see 43 El. 3. & P. Captains 26.

# Treſpaſs.

WHoſoever ſhall cut, or unlawfully take away any Corn or grain growing, or rob any Orchards or Gardens, or break or cut any hedge, pailes, rails, or fence, or dig, pull up, or take up any fruit-tree or trees, in any Orchard Garden, or elſewhere, to the intent to take or carry the ſame away, or ſhall cut or ſpoyle any Woods, or under Woods, Poules or trees ſtanding, not being Felany, and their procurers and receivers knowing of the ſame, being thereof lawfully convicted by the confeſſion of the party, or by the teſtimony of one ſufficient witneſs upon oath before a Juſtice of the peace &c. ſhall give the party ſuch ſatisfaction as ſuch Juſtice ſhall appoint, and within ſuch time as he ſhall appoint, the ſame to be only for the firſt fault. And if ſuch offenders ſhall not be thought able to give ſatisfaction, then to be whipped and alſo for every ſuch offence after to receive the ſame punishment of whipping, 23 El. 7. & P. 1.

A Conſtable refuſing to punish ſuch offenders, ſee Conſtables 10. & P. 2.

N

No Justice of peace &c. shall execute this Statute for any of the said offences done to himself, unless he be associated and assisted by one or more Justices whom the offence doth not concern, 43 El. 7. & P. 3.

## Vagabonds and Rogues.

SEE 39 Eliz. 4. 4. & P. 2. & 7. but note that that act doth not extend to any children under seven years old.

*Who shal be adjudged incorigable behaues to be burned.*

All common players of Enterludes and Glasmen shall be accounted rogues 1 Iac. 7. & P. 2.

A Servant taken with a counterfeit or forged Testimoniall or not preserving a Testimoniall according to the Stat. 5 El. 4. shall be taken and punished as a Rogue: see P. Labourers 3.

A Souldier or Marriner begging, or counterfeiting a Certificate, shall be accounted a Rogue, 34 El. 3. & 8. Capt. 23.

And all such as wilfully go abroad out of houses infected with the Plague though they have no sore upon them shall be accounted Rogues, and more

over be bound to the good behaviour for a yeare. 1 *Iacob.* 31. & *Poulton* Plague 4.

And all able persons threatning to turn away and leave their family upon the Parish, the same being proved by two sufficient witnesses upon oath before two Justices of the peace, shall be punished as Rogues, unless they put in sufficient sureties for the discharge of the parish, 7 *Iac.* 4.

All such able persons as shall runne away out of their parishes, and leave their families upon the parish. 7. *Iac.* 4.

*Who shall be adjudged Vagabonds and Rogues.*

All such as appear to be dangerous to the inferior sort of people, or otherwise be such as wil not be reformed of their Roguish kind of life by the former provision of this Act, shal be sent to the house of correction, or Goale of the County by two Justices, one of them being of the *quorum* of that limit til the next Sessions, and then by the consent of the more part of the Justices in their open Sessions shall be with an hot burning Iron, of the breadth of two pence, with a Great *Roman R.* upon the Iron; and then shall be sent to the place where they last dwelt, if they have any dwelling, if not, then to the place where they last dwelt for the space of a year, and if that cannot be known by their confession or otherwise, then

to

to the place of their birth.

*Who shall be adjudged a felon*

And if after such punishment they offend again in begging or wandring contrary to the Law, they shal be adjudged Felons and not have Clergy, 39 El. 4. 1 *Iac.* 7. & P. 4.

*Rogues ought to be conveyed from parish to parish.*

To send rogues by a generall Pasport without conveying them from parish to parish, is a let to the conveying of rogues according to the Statute, and so a forfeiture of 5. l. upon them, and to go with such a pasport is but still to continue a rogue to be punished by whipping, see the duties of Constables, fol. 25. 7.

*Outlandish Rogues.*

If any *Mannish*, *Scotish*, or *Irish* rogue shall come into this kingdome, he shall be punished as a rogue, and conveyed to the next port or parish where he landed, 39. El. 4. and P. 16. See the constables duty herein, *Constables.* 18.

*Every person shal apprehend a rogue.*

Every person shall apprehend such Rogues, Vagabonds, and sturdy Beggars as he shall see or know to resort to his house to beg or receive almes, and him shall carry (or cause to be carried) to the next Constable or Tythingman, upon pain to forfeit for every default 10. s. 39 El. 4 and P. 5.

How these forfeitures shal be imployed, See 37 El. 4. & P. 11. see more Constables 7.

Victuals

## Victualls and Victuallers.

1. IF any Victualler shall sell, or offer to sell any corrupt, or unwholsome Victuall, he shal be fined by the discretion of the Justices, 51 H. 3. Statute *Pistorum*, Cap. 7. see more Butchers 3.

*Corrupt Victualls.*

2. If any Butcher, Fishmonger, Inholder, Tipler, Brewer, Baker, Poulterer, or other seller of Victuals, shall not sel the same at reasonable prizes, and for moderate gain, he shall lose the double value of that he received, 23 Ed. 3:6. & P. 3. & 4.

*Victuall shal be sold at reasonable prize.*

3. Victuallers conspiring for selling their Victualls, see Artificers, 1.

4. When and in what cases victuals may be transported, see 1 & 2. P. & M. 5. & *Poulton* 8. & Justices 27. & Corn 1. & 7.

# Usury.

*Selling wares, and buying them again*

1. IF any person shall by himself or any other, sel any Merchandise or wares to any other, and shal within three months next after by himself, or any other buy the same, or any part thereof again upon a lesser price, knowing them to be the same: Or if any person shal by any corrupt Bargain, Morgage or other means, take in gain above the rate of ten pound for a hundred pounds for one years forbearance, and so after that rate more or less, he shall lose the treble value to the king and Informer, and be imprisoned and fined at the kings pleasure. 37. *Hen.* 8, 9. & P. 1, 2, 3, 4. & 13 El. 8. 39 El. 18. and P. 6, 7.

*Nota.* He that taketh ten pound or less in a hundred, shall forfeit the Interest only 13 El. 8. 39 El. 18. & P. 8. & Just. 91.

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Wages,

## Wages.

WAges of Servants, ſee 5 El. 4. and P. Labourers 4. and Juſtices 66.

Wages of knights of the Parliament ſee 23 *H.* 6. 6. ii. and P. Parliament 12. and Juſt. 52.

Wages of Juſtices of the peace, ſee 14. *R.* 2. ii & P. Juſtices 6, 7. & 5 El. 4. & P. Juſtices 68.

Wages of Weavers and Spinſters, ſee Cloth 3.

## Watch and Ward.

IF the Watch in every town be not kept from Sun ſetting to Sun riſing, between *Aſcention* day, and *Michaelmas* day, to arreſt Night-walkers and ſtrangers that paſs by in the night, the Conſtable, ſhall be fined by the diſcretion of the Juſtices, Stat. *Winton.* 13 Ed. 1. 3. and 5 H. 4. and P. 1, and 2.

## VVax:

IF any person shall sell, or shal set forth Candles, or other works of Wax to sale at higher prices then after the rate of four pence the pound over the common price of plain wax between Merchant and Merchant, he shal be fined to the King, and shall forfeit his work, or the value of it: 11 *H.* 6. 12. & *Poult.* 8. & Just. 42.

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## Weights and Measures:

LAwfull Weights, see *Poult.* 1, 2, 3, 4, 5.

*None shall buy or sell at with Weights & Measures signed and printed.*

VVhosoever shall buy or sell by unlawful VVeights or Measures, or shal buy or sel in any City or Market with any VVeight or Measure that is not lawfully marked or signed, the same shall be broken and burnt, and the offender shall lose for the first offence six shillings eight pence, for the second, thirteen shillings and four pence, and stand

on

on the pillory, 11 *H.* 7. 4. & P, 9, 10. & Just 92.

If they of the town where the Kings Standard is appointed to remain, should not have their common VVeights and Measures signed, or shal not have thereby signed weights and measures sold to all that have required the same, they shall be fined and amerced, and so shall the head Officers of market townes, which shall not twice yearly make view and examination of weights and measures there, 11 H. 7. 4. & P. 7. & 10. *Common weights.* *Officers shall view & examine weights.*

If any person shall take above one penny for sealing a Bushel-measure, or above one penny for sealing a hundred weight, or above a half penny for sealing half a hundred weight, or above a farthing for a less weight, he shal forfeit forty shillings, 7 *H.* 7. 3. & 11 *H.* 7. 4. *Seale weights*

VVhosoever shall buy Corn by heaped measure in any place, except within Ship-board, or shall use double measure, the one to buy, the other to sell with, he shall be grievously fined and imprisoned 17 *Ric.* 2. *de Pistor.* & 11 H. 4. *False VVeights.*

All falsiers of false VVeights shall be imprisoned without Bayle, till they be acquitted or attainted, and if they be attainted, their bodies shal remain in Prison till they have made fine and *Countterters of VVeights.*

## VVild Fowle and their Eggs.

*Taking, or destroying the eggs of VVild Fowle.*

VVHosoever shal willingly with draw, purloin, take, destroy, or convey any Egs of any Wild-Fowl from any Nest or place where they shall be layd by any kind of the same Wild-Fowl, between the first of *March*, and the last of *Iune* yearly, shal be imprisoned one whole year, and forfeit to the King and Informer for every Egg of any Crane or Bustard so destroyed or taken from any nest or place 20.d. and for every Egg of every Byter, Heron, or Shovelard 3.d. and for every egg of every Mallard, Teale, or other Wild-Fowl used to be eaten, a Penny. 25 H.8.ii. 3 Ed. 6,7. & P.i. & Just. 9:. *& vide plus* Pheasants 3.

VVines.

# Wines.

1. SUch as ſel Wines in groſs, contrary to the Prizes aſſeſſed, ſhal forfeit for every veſſel ſo ſold, forty ſhillings, 28 H 8 i4. and P. 2. and Juſt. 94.

2. If any perſon authorized to ſell Wine by Retaile, ſhall ſell the ſame above the Prizes thereof limited by the Kings Proclamation, if there have been any, and ſhall be convicted within a yeare after, he ſhal loſe for every Gallon 3. s. 4. d. and ſo after that rate, 28 H. 8. i4. & 5 El. & P. Juſt. 94, 95.

*Denying to ſel VVine at the prices aſſeſſed.*

3. If any ſhall deny to ſell Wines at the Prizes aſſeſſed, they ſhall forfeit the value of the Wine ſo deſired to be bought, and the Juſtices may upon requeſt enter and ſel the ſame deſired to be bought, according to the prices ſet down, and take the buyers money towards the ſatisfaction of the forfeiture 24 H. 8. 6. & P. 354.

## VVoods.

IF a Lord or owner of Woods or under Woods, and the Tenants or Inhabitants, (having common therein) cannot agree in dividing the fourth of the ſaid Wood, but ſhall deſire the aid of the Juſtices of the peace of the ſame ſhire where the Wood lyeth, the more part of ſuch Juſtices (not being a kin to the ſaid Lord or owner) ſhall ſever and ſet out the ſaid fourth part of ſuch wood, 35. *H* 8, 17. & *P*. 8, 9.

## Woollen and Yarn.

IF any ſhall buy woollen Yarn, and not make Cloth thereof, he ſhal forfeit the Yarne and fourfold damages and be two years impriſoned, and fined, 8*H*. 6. 5. & P. Yarn 4.

2. If any ſhall buy wooll but of the owner of the Sheep and Tyth, he ſhall loſe the value thereof, E. 4. *K*. 2. 4, & *P*. 1.

RESOLU-

# RESOLUTIONS OF THE IUDGES OF ASSIZE,

UPON

Certain QUESTIONS, touching Pariſhes, &c.

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*Mich. An. Dom.*
MDCXXXIII.

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LONDON,
Printed by *T. L.* for *M. Walbancke*,
MDCLV.

# RESOLUTIONS
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LONDON,
Printed by [illegible] for [illegible]
MDCLV.

# RESOLUTIONS OF THE IUDGES OF ASSIZE, UPON Certain QUESTIONS touching Parishes, &c.

*Mich. An. Dom.* 1633.

## QUEST. I.

WHether the churchwardens and overseers of a parish, with the assent of two Justices of Peace, one being of the *quorum* may by the Statute of 43 *E.* cap. 2. or any law enforce a parishioner of the same Parish

Parish to take a child of a poore Parish oner of the same Parish, who is not able to keep his said Child, to be an Apprentice?

*Resol.* The Statnte of 43 *Eliz.* which saith that the Churchwardens and Overseers of the parish shall put out children to be Apprentices, necessarily implyeth, that such as are fit must receive such Apprentices, and the putting out of poor children is one of the best wayes for providing for the poor.

*quest.* II. If they may, then whether they must give money with him, and who shall determine what summe shall be given, if the party that is to take such Apprentice and the Churchwardens & Overseers of the poor, cannot agree thereupon?

*Resol.* There is no necessity that money must be given, but that must be left to the discretion of the Overseers (all circumstances of age and ability considered) and if they cannot agree with the party, then the Justices of the peace neare adjoyning, and in their defaults, the Sessions of peace are to determine the controversie.

*quest.* III. VVhether a Knight Gentleman, Clergy-man, or Yeoman, or one that is a Sojourner, using Husbandry, Clothing, Grazing, or the like, may be inforced to take such an Apprentice?

*Resol.*

*Resol.* Every man who by his Calling or Profession, or manner of Living entertaineth, and must have the use of other servants of the like quality, must entertain such Apprentices, wherein discretion must be guided upon consideration of all circumstances.

*quest.* IIII. Whether a wealthy man keeping few or no Servants, nor wanting a servant, but living privately may be enforced to take such an Apprentice; if not, then whether he may be taxed towards the putting forth of such an Apprentice?

*Resol.* For the receiving of such Apprentices, The Answer may be referred to the Question next before, but out of doubt every such person must contribute to the charges, as to other charges for the provision for the poor.

*quest.* V. Whether they may enforce a parishioner of one parish to take such a child apprentice that is of another parish, but within the same County or Division, if the proper parish be not able to provide for the children of the parish?

*Resol.* The Justices may provide Masters for them in other parishes within the same Hundred; and if the Hundred be not able, then out of that Hundred in the rest of the County, as for the provision for the poor.

*quest.* VI. If such a Parishioner may

be enforced to take such an Apprentice and shal refuse to take such Apprentice but also be bound to appear at the next quarter Sessions or Assize, what shal be done then?

*Resol.* If any refuse, let such a one be bound to the next Sessions or Assizes, if he refuse to give such bond, let him be sent to the Goale, there to remain until he wil give such bond.

*quest.* VII. If such a Parishioner who refuseth to take such an Apprentice shal be bound over to the Sessions for not taking such Apprentice, and when he appeareth there shal likewise refuse, what shall be done unto him? and what shall be done to the parents of such children who refuse to suffer their Children to be put out Apprentices, themselves not being able to maintain them?

*Resol.* If at the Sessions or Assizes such one refuseth to take such an Apprentice, and his excuse be not allowed, it is fit he be bound to the good behaviour. And as it will be a good course to indict such a refuser for a contempt, and thereupon to fine and imprison him, if he refuse to be bound to the good behaviour, let him be imprisoned till he will; and the Kings book of Order directs that such be bound with good sureties at the Counsel-Board. And if the Parents of such

poor

poor children do not suffer their children to be bound Apprentices, or being bound to entice them away, themselves not being able to maintain them, let them be committed to the house of Correction.

*Quest.* VIII. Whether it be in the power of any generall quarter Sessions to mitigate any penalty upon a Statute Law, if the party indicted shall submit himself to the fine of the Court, and wave the Traverse.

*Resol.* If the party be convicted, or confess the fault, it is not in the power of the Court to mitigate the fine, in such cases where the Statute makes it certaine, but if the party indicted confess his innocency, yet *quia noluit placitare cum dom. rege*, put himself up into the grace of the Court, the Court may impose a moderate fine, and order to forbeare the prosecution.

*quest.* IX. If a man be bound to appear at the Sessions, and shall tender submission to the Court, whether the Sessions may stay the indictment, and mitigate the fine as aforesaid, upon the confession of the fact.

*Resol.* This is answered before in the next precedent Article.

*quest.* X. If a man be convicted for being drunk, tipling, or keeping an unlicensed Alehouse; or being licensed, for suffering others to remaine tipling

in

in his house, or for swearing, or for driving of cattle upon the Sunday contrary to the Stat. in that case provided, whether the Justice of the peace (before whom he was convicted) or any other Justice of the peace may discharge him of all, or part of the forfeiture or punishment appointed by the Statute?

*Resol.* The Justices have no such power of mitigation after conviction, where the statute appoints the measure of the punishment.

*quest.* XI. VVhether a Constable may upon a warrant for carrying one to the house of Correction, for keeping an unlicensed Alehouse, upon the second conviction break open the house where the party convicted is, to apprehend him?

*Resol.* This question is to be advised upon; it is but in generall terms, and referred to be considered in the particuler where it appeareth.

*quest.* XII. If any woman unmarried be hired from week to week, or from halfe a year to halfe a year in one parish, and there is begotten with child, and then goeth from thence to another parish where she is setled in service by the space of two or three months, and then is discovered that she is with child, the question is, whether she shall be setled in the parish where she was begot

with

with child, or in the parish wherein she was last setled?

*Resol.* The place where such a woman was lawfully setled is the direction in this case, not where she was begotten with child.

*quest.* XIII. If a woman servant unmarried be gotten with child, and then goeth out of her Masters service before, or after it is discovered that she is with child, and the reputed Father be run away, or is not able to free the parish, whether the Master may be forced to provide for her til she be delivered and a month after?

*Resol.* If the Master have legally discharged his house of such a servant, he is no more bound to provide for her than any other.

*quest.* XIV. In case a parish consist in part of ancient Demeasne, and part Geldable; an Assize is made for the reliese of maymed Souldiers Goale, &c. according to the Stat. of 14. Eliz. cap. 2. Whether the Tenants in ancient Demeasne shall contribute with the Geldable for the payment of this Assize?

*Resol.* The Statutes do not distinguish between the ancient Demeasne and the Geldable; in these cases, *ubi Lex non distinguit, nec nos distinguemus.*

*quest.* XV. Whether an Indictment of

of forcible Deteinor be within the Statute of 21 *Iac.* 5. and not to be removed by *Certiora.* unless the party indicted first finde sureties according to that Statute: and whether the party indicted be to be bound himself, or may send sureties to be bound in his absence to prosecute according to that Statute. And whether an Indictment of forcible Entry, &c. found at a quarter Session, and certified unto the quarter Sessions, be to be removed by *Certiorar.* without sureties according to the Statute.

*Resol.* This is fittest to be left unto the Court of Kings-Bench, to whose commission, and jurisdiction this is most proper.

*quest.* XVI. If one be convicted upon the Statute of 3 CAROL. R. cap. 13. for driving of Cattle upon the Sunday through several parishes, whether he shall forfeit twenty shillings to every of the said parishes, or onely to one, if to one, then to which of them?

*Resol.* This Statute gives the forfeiture but of one twenty shillings for one Sabbath day, although the driving be on that day through several parishes therefore where the action is first attached, and distress taken, that parish shall have the benefit of the forfeiture, and none other.

*quest.* XVII. If one who is under the

the age of thirty years, or brought up in Husbandry, or a Maid-servant brought up in any the Arts or Trades mentioned in the Statute, 5 *Eliz.* cap. 4, and not enabled according to that Statute to live at his or her own hand, shall be warned by two Justices of the peace, to put him or her self to service, by a day prescribed by them, and shall not do the same accordingly, but shall after continue living at his or her own hand, what course shall be taken with such a person, and how punished?

*Resol.* Such persons living out of service, and not having visible means of their own to maintaine themselves without their labour, and refusing to serve as an hired servant by the yeare may be bound over to the next sessions or Assizes, and to be of good behaviour in the mean time, or may be sent to the house of Correction.

*quest.* XVIII. Whether the Tax for the relief of the poore, upon the Statute of 43 Eliz. shall be made by ability, or occupation of Lands, or both: and whether the visible ability in the parish where he lives, or generall ability whatsoever: And whether his Rent received in the Parish where he lives shall be accounted visible, and whether he shall be taxed for them only, and not for any received from other parishes.

*Resol.*

*Resol.* The lands within each parish is to be taxed to the said charges in the first place equally and indifferently, but there may be an addition for the visible ability of the Parishioner, according to good discretion, wherein if there be any mistaking, the Justices &c. or the Sessions must judg between them.

*quest.* XIX. VVhether the Tax for the County stock, Goale, house of Correction, is to be made by the Statute 14 *Eliz.* & 43 *Eliz.* by ability, and upon the Inhabitants of the parish only, or upon them, or the occupiers of lands dwelling in that parish; or whether such as occupy Lands in that parish, and dwel in another parish shall be taxed?

*Resol.* If the Statutes in particular causes give no speciall direction, it is good discretion to go according to the rule for taxation for the poor.

*quest.* XX. VVhether any taxe ought to be made for the charges that petty Constables and Burgholders are at for conveying of Rogues from parish to parish, and relieving of them, and how to be rated?

*Resol.* It is fit to relieve the Constables and Tythingmen, in such sort as it hath been used in severall parishes where they live.

*quest.* XXI. VVhether a Justice of peace

eace may discharge a servant being
ith child from her service, allowing
hat as a reasonable cause that she is
hereby made unable to do her service
hich otherwaies she might have done;
nd if he may discharge her, whether
he parish shall provide for her til her
livery, if she cannot provide for her
lf, and so also if her time be expired
fore her delivery, who shall provide
r her after the time ended.

*Resol.* If a woman being with child
ocure her self to be retained with a
aster who knoweth nothing thereof,
eems to be a good cause to discharge
r from her service: But if she be
otten with child during her service, it
meth to be otherwise; but the master
neither case must turn away such a
vant of his own authority, but if
r term be ended, or she lawfully
charged, the Master is not bound to
vide for her, but it is a misfortune
len upon the parish, which they must
re as in other cases of casuall impo-
cie.

*uest.* XXII. VVhether one being
ivered of a Bastard-child in one pa-
, and goeth into another parish and
omes vagrant, and so is sent to the
e of her birth, her bastard-child be-
under the age of seven years, shall
ettled with the mother, and there
intained, if the mother be not able

to

to keep it, not the reputed father found; or whether it shall be sent to the place of its birth, as being setled with the mother, whether the parish where it was born shall be ordered by the two next Justices to pay a weekly sum towards the maintenance of it?

*Resol.* The bastard child must be placed with the Mother, so long as it is within the quality or condition of a Nurse-child, and then it is fit to be sent to the place of its birth, to be provided for, the Mother or reputed Father not being able.

*quest.* XXIII. A man with his Wife and Children takes a house in one parish for a year, and before the end of his term is put out of possession, and after takes part of an house as an Inmate in another parish, from whence he is also put out in two or three days, and then not being able to get any dwelling, they come to lye in a Barn in a third parish, where the husband falls sick, and the wife is delivered of another child, where ought these to be setled?

*Resol.* If a man or woman having an house or habitation in one parish be thrust out of possession, this is an illegall unsetling, which the Law forbiddeth; for none must be enforced to turn Vagrants; and such a one must be returned to the place where he or she

was lawfull setled, and the child also that was born in the time of this distraction.

*quest.* XXIV. Whether an Apprentice put out by the Churchwardens &c: according to the Statute, to a Master in another parish, if his Master die and leave no Executor fit to keepe an Apprentice, or able to place him, shall he be provided for in the parish where he was Apprentice, or shall be sent back to that parish from whence he was put out?

*Resol.* Servants and Apprentices are by Law setled in that parish, and if they become impotent there, the parish must beare the adventure after their terme or time be lawfully ended.

*quest.* XXV. What is accounted a lawfull setling in a Parish, and what not?

*Resol.* This is too generall a question to receive a perfect answer to every particular case which may happen, but generally this is to be observed, that the Law unsetleth none who are lawfully setled, nor permits that to be done by force or compulsion: and everyone who is setled a Native, Housekolder, a Sojourner, an Apprentice, or Servant for a month at the least, with out a just complaint made to remove him or her, shal be held to be a setling.

XXVI

*queſt.* XXVI. A rogue is taken at *A.* and will not confeſs the place of his birth, neither doth it appear otherwiſe but that he confeſſeth the laſt plece of his habitation to be at *S.* hereupon he is whipped and ſent to *S.* at his comming to *S.* there the place of his birth is known to be at *VV.* and thereupon the Rogue confeſſeth it to be ſo, whether he might without new vagrancy be ſent to *VV.*

*Reſol.* In this caſe it is fit to ſend ſuch a Rogue to the place of his birth; but this is but a miſtaking, and no legal ſetling.

*queſt.* XXVII. If an Indictment be preferred to the grand Inqueſt of the quarter Seſſions of the peace, againſt one for Murder, Manſlaughter, Robbery, Felony, or petty Larceny, and Ignoramus found thereupon, whether the ſaid Seſſions may deliver the party by proclamation, or not.

*Reſol.* Not by Proclamation but for Petty Larceny, and other petty Felonies in diſcretion the Goal may be delivered of them.

*queſt.* XXVIII. If a Conſtable be choſen, and refuſe to take his Oath, what ſhall be done? And whether a Conſtable may make a deputy, and by what means?

*Reſol.* The refuſall or neglect to take Oath in ſuch caſe, is a contempt worthy

worthy of punishment, and the best way is by Indictment, and thereupon to fine and imprison him; and the making of a deputy is rather by toleration than by Law.

*Quest.* XXIX. If a Constable die, or remove out of his place where, &c. how is his place to be supplyed?

*Resol.* By the Lord of the Leet, if that time fell neare, if otherwise by the Sessions, but if that be too far off, then by the next Justices.

*quest.* XXX. If a poor weak man be chosen Constable or Tything-man be unfit for the place, how he may be removed, and a fresh sworne in his roome?

*Resol.* The Justices must help this, and if the Lord of the Leet have power to chuse a Constable or Tything-man and perform it so ill, that is a just cause to seize his liberty.

*quest.* XXXI. If a Nurse-child, a Schollar at a Grammar School, or in the University prove to be impotent by sickness, lameness, lunacy, or discovery of Felony, how such persons shall be disposed?

*Resol.* A Nurse-child, or a Schollar at the Grammer School, or in the University are not to be esteemed as persons setled there, more than Travellers in their Innes, but their setling is where their parents were setled,

or themselves were last setled.

*Quest.* XXXII. What proportion Parsonages, or Tithes shall bear to the taxation of the poor of the Parish.

*Resol.* The Parson having the Tenths or Tythes of the Parish, it seemeth good and equal that he shal pay the tenth part of the rate of the poor in that respect.

*quest.* XXXIII. VVhether for placing of the poor of the parish not to be removed but by consent of the parish, these poor men may not be placed &c. Inmates for a time?

*Resol.* They may by expres words of the Statute of 43 *Eliz.*

*quest.* XXXIV. If a Parishioner, or owner within a Parish, do bring into the Parish, without the consent of the parish, a stranger of another parish, which is, or apparently like to be burthensome to the parish, how they may ease themselves.

*Resol.* By taxing such a one to the charge of the rates of the poor, not having respect to his ability, or the land he occupies, but according to the damage and danger he bringeth to the parish by his folly.

*quest.* XXXV. For VVarding in the day time for apprehending of Rogues, whether the Constable may not enlarge it?

*Resol.* VVarding in the day time is of great

great use, and must be left to the discretion of the Constables, or direction of the Justices to vary according to the occasion.

*quest.* XXXVI. VVhether Alehouses ought to be allowed in Through-fair Towns, and others in other places to be restrained onely to sel to the poore out of doores.

*Resol.* The Justices shall do very wel to allow none but in places fit for their scituation and user, and to moderate the number.

*quest.* XXXVII. A man for his quality otherwise fit to be a Constable or other officer of that nature, procures himself to be the Kings Servant extraordinary, and by that would excuse himself to serve in the country.

*Resol.* A servant extraordinary may wel perform his ordinary service in the Country according to his quality.

# THE IVDGES OPINIONS

Concerning

The Commissions by which the Iustices sit at Newgate.

viz.

Goale-Delivery, and Oyer and Terminer.

*MDCXXXIII.*

LONDON,
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THE

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LONDON,

Printed by [illegible]

# THE Iuſtices OPINION.

## Concerniug the Commiſſions by which the JUSTICES ſit at Newgate, viz Goal-delivery, & Oyer and Terminer.

*MDCXXXIII.*

THe Juſtices of Goale-Delivery there, may try all Priſoners in the Goale or by baile, or ſuch as being Indicted wil render themſelves, generally for all Felonies, and alſo for ſuch other offences as are particularly aſſigned to them by Statute.

*Vide Stanford; anciently Felonys include all treſpaſſes, therefore the Iuſtices of Goale-Delivery have power to hold plea of treſpaſſes againſt them in priſon or upon baile render themſelves.*

The Statute of 4 Edw. 3. cap. 2. doth give them power to receive Indictments against prisoners, and such as are upon tayle, and to proceed to try the same (*viz.*) Indictments taken before the Justices of the peace, and by equity thereof all Indictments before Coroners, 3 *Mar. Bro.* Commission 29. saith, that the Commission is, *Ad deliber and. Gaolas de Prison. in eisdem existen.* but they cannot take indictments as Justices of Goal-Delivery, but being Justices of the Peace they may take Indictments, and then try the same, or else to receive Indictments taken before Justices of the Peace, but it standeth with reason, that they may take Indictments against Prisoners, but not against them that are at large: For in as much as power to deliver the Goale is given them, consequently they must have means to do so, which is by Indictments: *Ideo quære.*

*Vide* 1 *Mar. Dier* 99. *Justices of assizes held plea of all appeales of Felony or Murder against one in prison by their generall commission, so by the same reason to take Indictments.*

However it is clear they may enquire of many offences, and take Indictments in such cases where power by any Statute is given to the Justices of Goale-Delivery to make enquiry of.

When an Indictment is taken before Justices of Goal-Delivery, in such cases where they have authority by Law or Stat.

Stat. there the title of the Indictment is, that *apud Goalam deliberat. tent.* before the Commissioners of Goal-Delivery, *I. S.* was indicted, and the Record must be made up so:

And whereas by vertue of the Stat. 4 Ed. 3. Indictments taken before Justices of the peace, or Coroner, or any other against prisoners, then the Entry of the Indictment is returned, *Memorand. quod ad generalem Sessionem tent.* Before A. B. *Iustic. ad pacem in Com. Mid.* or *London*, *I. S.* was indicted and tryed before Justices of Goal-Delivery, and by vertue of the said Statute Indictments taken before Justies of the Peace in London or Middlesex, and tryed before Justices of Goal-Delivery.

The Commission of Oyer and Terminer is, *ad inquirend. & determinand.* they may enquire of all the offences mentioned in the Commission, allbeit the Offenders be at large: But they cannot try Prisoners upon Indictments taken before any other then themselves, as the Justices of Goale-delivery may by the aforesaid Stat. unless there be a speciall Commission made, as it was in the case of the Earle of *Leicester* mentioned in *Plowdens* Commentaries: For the ordinary Commission of Oyer and Terminer is, *ad inquirend. audiend. & determinand.* therefore

they cannot determine things unless they made enquiry first; and on the other side also, the Justices of Goale-Delivery may try Indictments taken before Justices of the Peace; yet if one be indicted before Commissioners of Oyer and Terminer, the Justices of Goale-delivery cannot try the same, because the Records of the Commission of Oyer and Terminer, are to be returned into the Kings-Bench: 24 E. 3. 31.

The Commission was, and the Records of the proceeding before the Justices of Goale-Delivery are to be returned to the *Custos Rotulorum* of the County, when the same persons are Justices of Goale-Delivery, and Oyer and Terminer, they may sit the same day and place, and enquire by the same Jury, but the Entry of the Records must be severall, according as the Indictment is.

At the Assizes in the Countrey the Justices have their severall power, as Justices of Goale-Delivery, Oyer and Terminer, and Justices of the Peace, but when the Records are made up, they must be according to the power they made election to proceed upon, this is the regular and legall course: But the Clerks of Assize promiscuously made Entry thereof: But if a Writ of Errour be brough, they must certifie

ſie according to Law, or elſe it were erronious, and ſo upon a *Certiorar.*

The Seſſions of peace at *London* may begin at *Guildhall*, and there adjourn to *Newgate*, if ſome Indictments be at *Guildhall*, then theſe muſt be ſo certified if otherwiſe at *newgate*, then the Adjournment muſt be mentioned, and that the Indictment was then taken.

Note that the tryall of Indictments taken before Juſtices of the peace of *London* cannot be tryed at Newgate, as in nature of a Tryall before Juſtices of the peace of *London*; for many of the Commiſſioners for Goal-Delivery are not Juſtices of the peace for *London*: But in ſuch caſe the Tryall muſt be before the Juſtices of Goale-Delivery, as upon Indictment taken before Juſtices of the peace of *London*, and in like caſe of Indictment taken before Juſtices of the peace in *Middleſex*.

But if Indictments at *Newgate* be originally taken before Juſtices of Goale-Delivery, then it is conſiderable how the Jury ſworn and impannelled to enquire at the Seſſions of the peace for *London* or *Middleſex*, ſerve to preſent Indictments before the Juſtices of Goale-Delivery at *Newgate*, unleſs the cuſtome and uſage will warrant that the two ſeveral Juries ſworn at the Seſſions of the peace for *London* or *Middleſex*, and alſo by the ſame oath and impannelling

nelling to ſerve for the Grand Jury for the Com. of Gaole-delivery, and Oyer and Terminer.

Upon conference with Mr. *Keeling*, and the Clerks for *Newgate*, of *London* and *Middleſex*, and the clerks of Aſsizes, and view of their ſeverall Entries, a more mature and certain reſolution may be given; this being in haſt, and without ſuch conſideration as were requiſite.

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CORO-

# CORONERS

## of their Office, and of their Authority,

And where a man ſhall Approve, and where not.
And which ſhall be good Appeals for Approvers, and of the anſwers unto them.
And where a man ſhall have Sanctuary, and where not.
And where a man may Abjure, and where not.

NOte that the Office and Authority of a Coroner is to ſit, *ſuper viſum corporis* of them that die otherwiſe than by the viſitation of God, and to take ſufficient Record of the view.

And

Also to Abjure them that ought to be Abjured, and for to record that And also to Record Appeals, and Accusations of Felons that approve. 22 *E.* 3. And unlawfully to take Pleas of the Crown, and to present them as it appeareth in the Stat. of *Westm.* the first cap. 10. And to take Appeal of Robbery and Felonie, 9 *Hen.* 6. fol. 4. & 37. quere if they may proceed in that; for the Book saith that they may record Non-suits in Appeals, and give judgment upon Outlawries.

9 *H.* 6. 4. 37.

The Coroner certifieth into the Kings-Bench, that W. C. received *A. B.* as he was carried to be hanged, and conducted him to the Church of *S.* This is no good Record; for hee can certifie nothing but, *super visum corporis*, or by special Writ to him directed.

5 *Ed.* 8.

A Coroner is made in the time of King *Henry* the eight, and the Coroner sitteth in the time of the King that now is, *super visum corporis*, and taketh a sufficient Indictment, and certifieth it, that is a good Record, and the Court may proceed upon it. 4 *E.* 4. 44. For the Coroner is made by Writ, and he shall endure till he bee discharged by Writ: contrariwise it is of them that be made by Commission; for by the Kings death their power is then dissolved.

4 *Ed.* 4. 44.

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A Coroner ſitteth *ſuper viſum corporis* and taketh a perfect Indictment, and another Coroner of the ſame Shire ſitteth after, and taketh another Indictment, the ſecond Indictment is voyd. 5 *R.* 2. 10. & 7. For by the firſt ſitting the Enquiry is perfectly determined & ended. 5 *R.* 2. 20. & 7.

A man indicted of Felony confeſſeth the Felony, and approveth, and hath a Coroner aſſigned him, and he approveth one of Felony in another County, this is a good Appeal, 9 *H.* 6. 45. But the Coroner cannot make Proceſs to them, but he muſt certifice the record to the Juſtices of the Goale-Delivery, and they ſhall make the Proces. 29 *Ed.* 3. 45.

Approvement is as much to ſay as an Acculation, and it muſt be after judgement, and it muſt be made by him that is indicted of Felony, and hath confeſſed the Felony; and upon this the Juſtices may aſſign a Coroner to hear his Approvements, and to record them, and a certain time ſhal be aſſigned him to Approve; but it is at the diſcretion of the Juſtices if they will permit him to approve or no: And if he approve out of the time to him aſſigned, it is voyd.

If a man plead not guilty to the Felony at the Iſſue, and after he will relinquiſh the Iſſue, and confeſs the Felony

lony, he ſhall not be ſuffered to be-
21 Ed. 3. 10. come an Approver, 21 E. 3. 10. For he hath taken a peremptory Iſſue, and is found two times falſe; one is by committing the Felony, another is by taking of that falſe Plea, and therefore he ſhall not be truſted to approve, others.

If one that is robbed bring an Ap-
25 Ed. 3. peale againſt one which confeſſeth the Felony, he ſhall not be ſuffered to approve; for an approvement is onely for the profit of the King, and in this caſe the party ſhall not be ſo long delayed; and in an Appeal, the Defendant ſhall not be ſuffered to approve.

A man is in priſon for Treſpaſs, and will confeſs Felony, he ſhall not be ſuffered to approve, for he is not in priſon for Felonly.

A man that is Outlawed of Felony,
21 Ed. 3. he ſhall not be ſuffered to approve; for this Outlawry is an attainder in Law, and a man attainted cannot approve; for he is out of the protection of the King and his Law; and this approvement is an Action, and a man out of the Law can uſe no Action.

A man approveth *I. S.* being an Al-
11 Ed. 3. ien born, and now being in *Spain*, this is no good approvement; for he cannot be ſummoned by Proceſs to anſwer.

A man cannot approve another after that he himſelf is abjured, for none

can

can approve but such as may have judgment to be hanged, and so cannot a man abjured.

A Clerk convict escapeth out of the Bishops Prison, and maketh another Felony, and confesseth that Felony, he shall not approve, for he hath another judgment before, and he is out of the Law, and cannot be adjudged again. 17 Ed. 3, 4

If the Approver misrehearse the appealee, either by his name, or the colour of his horse, he shall be hanged incontinent. 25 Ed. 3. 19.

If a man be indicted for forging of false money, if he confess that Treason he may approve others. 19 H. 6. 22 Edw. 3.

If one confess the Felony, and approve another which joyneth the mise by battle, that not guilty, and when the approver cometh to the field to fight, he relinquisheth his approvemens, he shal be hanged incontinent, and the other shall go quit; for this doth countervail a vanquishment. 21 H. 5. 38

An Approver appealeth himself, and *I. S.* for that they break out of *N.* in which they were for Felony, this is no good approvement, for one cannot approve another of felony, but of such whereunto himself was party, and the breaking of the prison was severall escapes; for one was not party unto the escape of the other.

An Approver approveth another which

which pleadeth not guilty, the King pardoneth the approver, the appellee shall go quit, contrariwise it is if the appealer dye in Prison.

25 Ed. 3. 25. An approver appealeth another, for that he did receive goods knowing they were stolen, this is no good approvement.

25 Ed. 3. 12. 7. 10 Ed. 4. 17. An approver approveth another of a Felony whereunto himself was not privy nor party, this is no good approvement.

3 Ed. 3. 36 An approver appealeth one which appeareth, and upon that the appealer taketh his Clergy, the appellee shall be arraigned upon the Felony for the King.

21 H. 6. 45. An approver appealeth *I. S.* and there is no such *in rerum natura*, the approver shall be hanged incontinent.

The Justices of the Goal-Delivery orof Oyer and Terminer, may assign a Coroner unto him that will approve, but Justices of peace cannot.

1 Iac. 25. & 28. Sanctuarie taken away by the Statute *Ideo, &c.*

In

## In what Cases a Man have Clergy, and what not.

## And where the Ordinary may refuse the Clerk, and where he may challenge him.

## And where the Abuses of the Clergy shall be punished.

## And where it is Finable. And which Acts shall bee judged an Escape, and which not.

NOte that if a man be convicted of wilful murder, poysoning, robbing of a Church, or Robbing the Highway, or for Burglary, where

where any is put in fear of their life, or for ſtealing of horſes, mares, or geldings, theſe perſons ſhal not have their Clergy, by the Statute of *Anno* 1 E. 6. cap. 12.

Such as for the offences aforeſaid, be arraigned and ſtand mute, or challenge peremptory above the number of twenty Jurors, or wil not anſwer directly to the Felony, they ſhall not have their Clergy, by the aforeſaid Statute, but in all other caſes they ſhall have their Clergy, as they might have had before the 24. day of *Apr. Anno* 1 H. 8.

A man arraigned of Rape ſhall not have his Clergy, *per* Stat. El. 18. cap. 6.

1. Ed. 6. A man that is Bigamus (that is twice married) or hath married a Widow, is arraigned of Felony for ſtealing of a cow, ſhall have his Clergy, that is given by the Statute of *Anno* 1 Ed. 6.

A man is arraigned for robbing of a houſe in the night, where none was put in fear of their life, he ſhall have his Clergy.

22 Ed. 3. 35. A clerk convict killeth his Keeper, and eſcapeth, and is taken again, and arraigned of Felony, he ſhall not have his Clergy. 22 Ed. 3 fol. 25. For *fruſtra legis auxilium in vocat qui in legem committit.*

A man indicted acknowledgeth the Felony and approveth, and when the appeal appeareth, the appealee prayeth his

his Clergy, he shal not have his clergy.

He that is arraigned of any *Felony* whereof he might have his clergy, if he stand mute or otherwise abuse himself, so that he should be put to his pennance, yet he shall not lose the benefit of his Clergy, for he is not put from that by the *Statute*.

If a woman be arraigned of Felony, if she can read, she shal have her Clergy in all cases as if she were a man. 21 Ed. 3. *Coron.* 461.

A man is arraigned of felony, and prayeth his Clergy and cannot read, he shall be committed to the Ordinary, and after he hath judgment of death, and then he prayeth his Clergy, and can read, he shall be committed to the Ordinary; but it seemeth that that is at the discretion of the Justices. 34 H. 6. 55.

A man taketh a church for *Felony*, and will not confess the *Felony* to the *Coroner*, and is drawn out of the Sanctuary and *arraigned*, yet he shal have his *Clergy* if he can read. 9 Ed. 4. 29.

A man is *arraigned* and prayeth his *Clergy* and can read, and the Ordinary will not demand him, yet he shal have his *Clergy*. 22 Ed. 3. 35.

A man is abjured and taken again, and yet it is demanded what he can say whereof he should not die, and he prayeth his Clergy, if he can read he shall have it. 9 E. 4. 3. 29. 8 H. 4.

In an appeal of Goods stolne the Defen- 3 H. 7.

Defendant shall have his Clergy.

A man is arraigned of Felony, and attainted, and hath judgment of death and is delivered to the Goaler to be hanged, and he prayeth his Clergy, if he can read, and there be an Ordinary to allow him, he shal have his Clergy.

If the Ordinary keep a Clerk convict more easily or more streighly then he ought by the Law, the King shall reform him, and if he deny a Clerk to make his purgation, where he may make his purgation by the Law, the King shall compell him to suffer the prisoner to make his purgation.

If a Felon pray his Clergy when he may have it by Law, and the Ordinary refuse him, the Ordinary shal be amerced, and the prisoner shall be hanged.

FINIS.